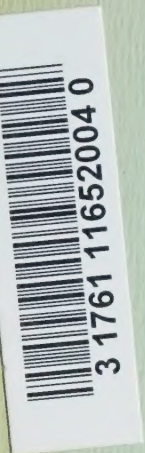


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# ENVIRONMENTAL ASSESSMENT BOARD

VOLUME: V

DATE: MONDAY, MAY 16, 1988

BEFORE:	M.I. JEFFERY, Q.C.	Chairman
	E. MARTEL	Member
	A. KOVEN	Member

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HEARING ON THE PROPOSAL BY THE MINISTRY OF NATURAL  
RESOURCES FOR A CLASS ENVIRONMENTAL ASSESSMENT FOR  
TIMBER MANAGEMENT ON CROWN LANDS IN ONTARIO

IN THE MATTER of the Environmental  
Assessment Act, R.S.O. 1980, c.140;

- and -

IN THE MATTER of the Class Environmental  
Assessment for Timber Management on Crown  
Lands in Ontario;

- and -

IN THE MATTER of an Order-in-Council  
(O.C. 2449/87) authorizing the  
Environmental Assessment Board to  
administer a funding program, in  
connection with the environmental  
assessment hearing with respect to the  
Timber Management Class  
Environmental Assessment, and to  
distribute funds to qualified  
participants.

-----

Hearing held at the Ramada Prince Arthur  
Hotel, 17 North Cumberland St.  
Thunder Bay, Ontario, on Monday,  
May 16th, 1988, commencing  
at 12:50 p.m.

-----

VOLUME V

BEFORE:

MR. MICHAEL I. JEFFERY, Q.C.	Chairman
MR. ELIE MARTEL	Member
MRS. ANNE KOVEN	Member







A P P E A R A N C E S

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MS. K. MURPHY )	
MR. B. CAMPBELL)	MINISTRY OF ENVIRONMENT
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MR. R. TUER )	ONTARIO FOREST INDUSTRY
MR. R. COSMAN )	ASSOCIATION and ONTARIOO
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MR. J. WILLIAMS	ONTARIO FEDERATION OF
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MR. D. HUNTER	NISHNAWBE-ASKI NATION
	and WINDIGO TRIBAL
	COUNCIL
MR. F. CASTRILLI )	
MS. M. SWENARCHUK)	FORESTS FOR TOMORROW
MR. R. LINDGREN )	
MR. P. SANFORD )	KIMBERLY-CLARK OF CANADA
MS. L. NICHOLLS)	LIMITED and SPRUCE FALLS
MR. D. WOOD )	POWER & PAPER COMPANY
MR. D. MacDONALD	ONTARIO FEDERATION OF
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MR. R. COTTON	BOISE CASCADE OF CANADA
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MR. R. BARNES )	ASSOCIATION
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MR. B. McKERCHER)	OUTFITTERS ASSOCIATION
MR. L. GREENSPOON)	NORTHWATCH
MS. B. LLOYD )	







APPEARANCES: (Cont'd)

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MR. M.O. EDWARDS	FORT FRANCES CHAMBER OF COMMERCE
MR. P.D. MCCUTCHEON	GEORGE NIXON







APPEARANCES: (Cont'd)

MR. C. BRUNETTA

NORTHWESTERN ONTARIO  
TOURISM ASSOCIATION





I N D E X   O F   P R O C E E D I N G S

<u>Witness:</u>	<u>Page No.</u>
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I N D E X      O F      E X H I B I T S

<u>Exhibit No.</u>	<u>Description</u>	<u>Page No</u>
15	Ontario Government Phone Directory, February, 1988 (excerpt page 360).	646
16	Document entitled An Audit of Management of the Crown Forests of Ontario by Gordon L. Baskerville, dated August 1, 1986.	690
17	An excerpt from the Class Environmental Assessment, dated 1985, consisting of pages 90-116 inclusive.	810





1       ---Upon commencing at 12:50 p.m.

2                   THE CHAIRMAN: Good afternoon, ladies and  
3 gentlemen. Be seated, please.

4                   Ladies and gentlemen, before we proceed  
5 today, I will just make some very brief comments about  
6 the scheduling.

7                   As everybody is aware, we all had  
8 difficulties getting in this morning and the suggestion  
9 has been made that on the Mondays we perhaps would be  
10 better off starting at 1:00 in the afternoon and then  
11 it would be the Board's intention to go later in the  
12 day, and still try and make up as many hours as  
13 possible.

14                   The problem is, is that we are now in the  
15 good weather season and we are all having sort of  
16 trouble getting here at 10:45 or 11:00 when the planes  
17 normally come in, and it may be asking a bit much to  
18 rush every time when certain planes are late to get  
19 here and start at 11:30.

20                   So I think we will probably try and start  
21 on Mondays at 1:00 p.m., and I would ask that  
22 everybody - when they do get in - try and have lunch  
23 ahead of starting, so that we can go right into the  
24 afternoon session with just the normal coffee breaks,  
25 and then we would plan to not have a dinner break, but

1 eat later on the Mondays, possibly go as late as 7:00  
2 or 7:30 that day.

3 Are there any objections from anyone to  
4 this proposed schedule?

5 (No response)

6 Okay. And as far as today is concerned,  
7 it is the Board's intention to perhaps go until 2:30  
8 from this point and then that take a break for about a  
9 half an hour and then come back and go again with a  
10 coffee break around 5:30 or so. And it would be the  
11 Board's intention today to try and go until about 6:30,  
12 a quarter to seven, depending on where we are in the  
13 evidence, and then everyone would break for the end of  
14 day and we could all have dinner afterwards.

15 Again, I think in view of the length of  
16 time that this hearing is going to take, we cannot  
17 afford to waste Mondays completely and only get in a  
18 couple of hours and the same for Thursdays.

19 Now, also in terms of scheduling, it was  
20 the Board's intention to probably break around 2:30 or  
21 3:00 at the very latest on Thursday in order to make  
22 the flights going back to Toronto; with the first one,  
23 I believe, commencing at around 4:45.

24 I understand that the Premier is going to  
25 be attending Thunder Bay on Thursday to open a cultural



1       centre and he is evidently using this room for a four  
2       o'clock event.

3               We have been asked if we would consider  
4       the possibility of terminating that day's session at  
5       2:00 p.m. and we have given it consideration and have  
6       decided that that is not an unreasonable request,  
7       considering we are going to quit about a half later in  
8       any event. So we will finish no later than 2:00 p.m.  
9       on Thursday.

10              Well, unless there are any preliminary  
11       matters to deal with before we get into it, we can  
12       start.

13              Mr. Freidin?

14              MR. FREIDIN: Just two matters that I  
15       would just like to raise and advise counsel that we are  
16       going to be wanting to discuss this matter with them.

17              Firstly, in terms of a site visit, we are  
18       now looking at perhaps putting together some sort of  
19       suggestion as to a site visit within the first week of  
20       July, approximately. But I just wanted to indicate to  
21       the counsel, now that we are here altogether, that Kate  
22       Murphy will be contacting them and trying to get  
23       together to see if there is some sort of arrangement  
24       which can be worked out which will be satisfactory to  
25       everybody.

1                   The other matter follows along your  
2 suggestion of the opening day about trying to get  
3 agreement on certain evidence. It seems to us that if  
4 any panel might have a chance of doing that, it is the  
5 one dealing with the economic contribution of the  
6 industry, and that's Panel No. 5.

7                   One of things we want to raise with the  
8 Board - and, again, I think perhaps tomorrow morning  
9 will be the appropriate time to do that - is that we  
10 have some concern about how we would go about getting  
11 the consent of all the required people, so we will be  
12 asking the Board for some direction as to whether we  
13 have to get the consent of all 52 parties or something  
14 different, and perhaps get some guidance as to how you  
15 feel that matter might be addressed if, in fact, it  
16 looks like there can some agreement.

17                  THE CHAIRMAN: Okay. By the same token,  
18 we would like counsels' consideration of that issue as  
19 well. So perhaps in talking to other counsel, we would  
20 like to hear your representations as to how many  
21 parties or whether parties outside of the hearing here  
22 should be consulted on that issue and, if so, how.

23                  We will give it some consideration as  
24 well.

25                  MR. FREIDIN: I just wanted to raise

1       those two matters to get people thinking about them.

2               THE CHAIRMAN:  Very well.

3               Well, I think we are up to now the part  
4       where those parties in support of the proposal can  
5       question the first witness panel, and we can start off  
6       with you, Mr. Cosman.

7               MR. COSMAN:  Thank you, Mr. Chairman.

8               Mr. Chairman, I address my questions to  
9       either member of the panel, and just to let you know, I  
10      will be very short, very brief in this part of my  
11      cross-examination.

12              THE CHAIRMAN:  Very well.  And just  
13      before you start, Mr. Cosman, I might just advise what  
14      the Board had in mind with respect to the questioning  
15      of panels.

16              As you are probably aware, the Board is  
17      interested in the information and the factual evidence  
18      that any of the panel members can shed on the evidence  
19      in question.

20              We are fully cognizant that this is an  
21      adversarial proceeding and that counsel, particularly  
22      in cross-examination, may wish to examine a particular  
23      witness.

24              The Board has no objections if you want  
25      to direct your questions to a particular witness to see



1 if that witness can answer that question. However, if  
2 the witness states that he cannot answer the question  
3 or that the other witness to the panel is more  
4 appropriate to answer that question, the Board will  
5 entertain the answer from the other witness on the  
6 panel.

7 Once again, our aim is not to necessarily  
8 count up the adversarial points made by various counsel  
9 in having the witness not being in a position to answer  
10 the question, but I think it is more important that we  
11 obtain the best information available.

12 And I know this is a little bit of a  
13 departure from the court system, but that's the way  
14 that the Board would like the panels examined.

15 Mr. Freidin?

16 MR. FREIDIN: Is my understanding also  
17 correct that if a question is answered by one of the  
18 members of the panel that the Board permits the other  
19 panel member or members to add information if they  
20 think it will be of assistance?

21 THE CHAIRMAN: I think so. Because, once  
22 again, the Board is interested in the best information  
23 before it to assist us in terms of making a decision  
24 later on.

25 Certainly, if you ask a question of a

1 witness and you, as the examining counsel, feel it is a  
2 question that that witness should be able to answer  
3 given that witness' expertise, you will be able to make  
4 that point by asking the question to a particular  
5 witness, the Board will observe that he can or cannot  
6 answer, but if there is a witness on the panel that can  
7 provide that information, the Board, nevertheless,  
8 wants that information.

9 Is that basically understood by  
10 everybody?

11 (No response)

12 Very well. Thank you.

13 Mr. Cosman?

14 MR. COSMAN: Mr. Chairman, perhaps I  
15 might address this to either panel member on the basis  
16 that you have suggested, and if the other panel member  
17 wants to add something to it, the Board will hear it.

18  
19 RICHARD MONZON,

20 LARRY DOUGLAS, Resumed

21  
22 CROSS-EXAMINATION BY MR. COSMAN:

23 Q. Gentlemen, Mr. Castrilli in his  
24 opening stated that the proponent's approach  
25 constitutes an attempt to entrench the status quo in

1 timber extraction.

2 I want to ask you whether you agree with  
3 that?

4 MR. DOUGLAS: A. No, I certainly  
5 wouldn't agree with that. There have been a great  
6 number of initiatives undertaken during the development  
7 of this timber management environmental assessment that  
8 are quite different than what the historical situation  
9 has been.

10 If you wish, I can go through a number of  
11 these.

12 Q. Please.

13 MR. HUNTER: Excuse me, Mr. Chairman, we  
14 are having difficulty hearing this witness.

15 THE CHAIRMAN: Okay, just one moment. We  
16 will perhaps shut this window.

17 MR. HUNTER: Thank you.

18 MR. DOUGLAS: Okay. I would like to list  
19 a number of these. I am not an expert in each one of  
20 them, but I would like to give the Board a general  
21 impression of some of the things that have been done.

22 Certainly starting back from 1983, at  
23 which time I became involved with the project, we  
24 consolidated the various planning manuals into one  
25 which now applies to all management units in the



1 province.

2 We have also developed a single plan in  
3 the sense that the 20-year and the 5-year original  
4 plans, which was a management plan and operating plan,  
5 were amalgamated into a single plan with a 20-year time  
6 horizon and a 5-year operational outline of activities  
7 to be undertaken. That was definitely a change.

8 We have created a very detailed process  
9 for taking into account the impact on other values in  
10 the forest. I refer that as the area of concerned  
11 planning process and Panel 15 will discuss that in  
12 detail.

13 We have also developed a number of  
14 guidelines for dealing with impact on other activities.  
15 There is manuals in respect to moose management, there  
16 is manuals in respect to fisheries habitat and water  
17 quality, there is manuals in respect to tourism values.

18 We are also in the process of developing  
19 material related to the environmental impact of access  
20 road construction, there will be material led there.  
21 There has been an agreement with MOE to develop a code  
22 of practice for operations in the vicinity of water  
23 courses and water bodies, there has been additional  
24 work going into developing a revised prescribed burn  
25 manual, there has been consolidations and improvement

1 in respect to herbicides.

2 Getting back to the earlier manual of  
3 fisheries and with moose habitat, the process has been  
4 developing for defining minimum information  
5 requirements.

6 In the material that was given to the  
7 Board as Document No. 5, in terms of a letter which the  
8 Deputy and I wrote to MOE, there was a list of minimum  
9 types of information that would be considered in the  
10 development of a timber management plan; there was, in  
11 the technical forestry area, revisions for development  
12 of a new set of silvicultural guides which would  
13 address the major species that are grown in the area of  
14 the undertaking.

15 Those are some of the examples that come  
16 to mind. I won't claim that that's an exhaustive list,  
17 but it does give you an indication of the scope and the  
18 number of activities that have been undertaken more or  
19 less since 1983.

20 Now, I just forgot one I should add. We  
21 are developing with the Ministry of Citizenship and  
22 Culture -- or Communications and Culture, a set of  
23 guidelines dealing with heritage resources on Crown  
24 land.

25 And, finally, there have been a number of

1 changes since 1985 when we first submitted the  
2 environmental assessment dealing with incorporating  
3 some of the suggestions of Dr. Baskerville in his Audit  
4 of Forests which was published in 1986, in the fall,  
5 including suggestions for developing effectiveness  
6 monitoring program so we could tell how effective the  
7 moose management, the fisheries management, and the  
8 tourism guidelines were in fact -- how well do they  
9 work. So that's an introduction.

10 Our various panels will be identifying  
11 all these activities that have been undertaken as a  
12 part of this project.

13 Q. Is it fair to say, gentlemen, that at  
14 least since the inception of the Forest Management  
15 Agreement in 1980 that the forest industry has  
16 cooperated with the Ministry of Natural Resources in  
17 both the development of the resource and the  
18 conservation of the resource?

19 A. Yes, that's true. There has  
20 certainly been a trend emerging in which many of these  
21 documents are being developed on a joint basis.

22 I bring to your attention the fact that  
23 there was involvement at the OFIA provincial level in  
24 respect to each one of those guidelines dealing with  
25 moose, fish, and tourism; certainly, joint



1 participation in respect to the environmental  
2 protection associated with access roads. There has  
3 been an increasing trend towards that kind of joint  
4 participation.

5 Q. One final question, Mr. Chairman.  
6 Was the change of name from forest management to timber  
7 management in the Class EA, was that done to denigrate  
8 or minimize other forest values than timber extraction?

9 A. Absolutely not. It was a matter of  
10 clarification, and the fact that in our public  
11 pre-submission consultation exercise there seemed to be  
12 some confusion over what the purpose of the undertaking  
13 was and we clarified that.

14 And when we talk about purpose, we are  
15 not -- we are being quite specific. We always have  
16 intended to take into account in achieving the purposes  
17 the impact that achievement of that purpose may have on  
18 other activities and values in the forest, taking the  
19 proper steps to prevent, minimize, or mitigate such  
20 impacts.

21 MR. COSMAN: Thank you, Mr. Chairman.

22 THE CHAIRMAN: Thank you, Mr. Cosman.

23 I guess Mr. Cotton is not here today.

24 Mr. Sanford?

25 (No response)

1 He is not here today.

2 Mr. Scott?

3 (No response)

4 Mr. Babcock is not here.

5 Are there any other parties who are not  
6 represented by counsel who wish to question these  
7 witnesses who are substantially in support of the  
8 proposal?

9 (No response)

10 Very well. I think we are up to those  
11 parties in opposition.

12 Mr. Castrilli?

13 MR. CASTRILLI: Mr. Chairman, I am ready  
14 to proceed. I have a box of material across the street  
15 which I will need for the purposes of  
16 cross-examination. I thought it was actually going to  
17 be here, but apparently is not.

18 I am wondering if I might have the  
19 Board's indulgence for fifteen minutes to pick up the  
20 box.

21 THE CHAIRMAN: Okay. I am just wondering  
22 whether this would be one of these situations where Mr.  
23 Hunter might wish to go ahead of you.

24 MR. HUNTER: Not in this circumstance,  
25 Mr. Chairman. Thank you.

1                   MR. CASTRILLI: My apology, Mr. Chairman.  
2 I didn't realize the box wasn't here.

3                   THE CHAIRMAN: All right. I think then,  
4 since we want to go on to you, and I think it would be  
5 beneficial, frankly, if the two parties who are going  
6 to be attending on a full-time basis did their  
7 cross-examinations first before we went to the other  
8 parties.

9                   I think under these circumstances, we  
10 will adjourn then for fifteen minutes.

11                  MR. CASTRILLI: Thank you, Mr. Chairman.

12 ---Recess taken at 1:10 p.m.

13 ---Upon resuming at 1:25 p.m.

14                  THE CHAIRMAN: Thank you. Please be  
15 seated.

16                  Where did he go?

17                  MR. FREIDIN: He has gone back across the  
18 street. He didn't really want to cross-examine.

19                  THE CHAIRMAN: I thought I saw him here a  
20 second ago.

21                  I guess we can take this off the record  
22 for a moment.

23 ---Discussion off the record

24                  MR. CASTRILLI: Mr. Chairman, I should  
25 say that there is additional material coming over and



1       it will be over probably at the break. It is still  
2       being photocopied.

3               THE CHAIRMAN: Are you prepared to go  
4       ahead now, though?

5               MR. CASTRILLI: Yes, I have enough that  
6       will take us at least to the break.

7               THE CHAIRMAN: All right.

8               Is this sound system working at the back?

9       ---Discussion off the record

10              MR. CASTRILLI: Thank you, Mr. Chairman,  
11       for your indulgence.

12       CROSS-EXAMINATION BY MR. CASTRILLI:

13              Q. Mr. Monzon, I understand that you're  
14       responsible for paragraphs 1 to 35 in the witness  
15       statements and 67 to 76?

16              MR. MONZON: A. Yes, I believe that's  
17       correct.

18              Q. And, Mr. Douglas, you're responsible  
19       for paragraphs 36 to 66?

20              MR. DOUGLAS: A. That's correct.

21              Q. I would like to begin my questioning  
22       of you, Mr. Douglas.

23              And, firstly, I would like to go back to  
24       a question you were asked in cross-examination by my  
25       friend Mr. Cosman where he was referring to our comment

1 in the opening statements of last week about whether or  
2 not MNR was attempting to entrench the status quo in  
3 timber management.

4 I believe in response to that question  
5 you referred to a number of guidelines: The moose  
6 management, fisheries, water quality, tourism, et  
7 cetera.

8 Could you advise the Board, Mr. Douglas:  
9 Is MNR seeking approval for the guidelines you referred  
10 to?

11 A. They are not seeking specific  
12 approval for these guidelines under these hearings, no.

13 Q. Thank you. Mr. Douglas, on May 12,  
14 Mr. Freidin qualified you as an expert in land use  
15 planning, integrated resource management, and policy  
16 development; is that correct?

17 A. Yes, he did.

18 Q. And from your evidence as it  
19 appears --

20 MR. CASTRILLI: Perhaps, Mr. Chairman, I  
21 should - before I go any further - indicate to the  
22 Board and the witnesses the exhibits I will be  
23 referring to that are already in evidence.

24 Q. Perhaps you could have before you,  
25 Exhibit 6, Exhibit 5A, Exhibit 5, Exhibit 9, Exhibit 6A

1 and Exhibit 10.

2 MR. DOUGLAS: A. Could you repeat the  
3 documents referred to, please?

4 Q. Which ones do you need to know?

5 MR. DOUGLAS: A. I am not familiar with  
6 the numbering system.

7 Q. All right. Exhibit 6 is your  
8 statement of evidence.

9 A. Okay.

10 Q. Exhibit 6A is the supplement to that  
11 evidence.

12 A. Okay.

13 Q. Exhibit 5 is the MOE Review.

14 Exhibit 5A is the material filed by Mr.  
15 Campbell last week.

16 Exhibit 9 is the Northwest SLUP.

17 I believe Exhibit 10 is the 1980  
18 guidelines for land use planning.

19 Mr. Douglas, on page 10 of Exhibit 6A,  
20 your supplementary evidence, I understand that your  
21 responsibilities include the co-ordination of all  
22 policies related to land use which entails the  
23 development of Ministry of Natural Resources' policies  
24 related to planning and environmental assessment and  
25 the development, monitoring and revision of land use in



1 integrated resource management planning process, as  
2 well as co-ordination of land use and integrated  
3 resource management planning at the provincial level;  
4 is that correct?

5 A. Yes, it is.

6 Q. So, in essence, you are responsible  
7 for co-ordinating IRM, if I can use that acronym,  
8 planning -- with land use planning and environmental  
9 assessment; is that right?

10 A. Yes.

11 Q. And would it be fair to say that you  
12 provide leadership in the development and co-ordination  
13 of those areas?

14 A. Yes, our branch is responsible for  
15 the provincial lead on these matters.

16 THE CHAIRMAN: Mr. Douglas, would you mind  
17 speaking up or raising your mike a little bit, please.

18 MR. CASTRILLI: Q. Now, Mr. Douglas, can  
19 you confirm for me that there is also a Corporate  
20 Policy Secretariat within MNR?

21 A. Yes, I believe that's correct.

22 Q. I believe Mr. Monzon also referred to  
23 it in his evidence as well?

24 A. Yes.

25 Q. It too has a director?

1 A. Yes.

2 Q. Pamela J. Bryant?

3 A. Yes.

4 Q. Can you confirm for me, Mr. Douglas,  
5 that the role of the Corporate Policy Secretariat is to  
6 provide leadership in the development and co-ordination  
7 of policy and to provide leadership for land use and  
8 integrated resource management planning and  
9 environmental assessment?

10 A. That is incorrect, the latter part.

11 Q. It is incorrect?

12 A. Yes.

13 Q. Mr. Douglas, I am showing you an  
14 excerpt from page 360 of the Ontario Government Phone  
15 Book and refers to your responsibilities and also  
16 refers to the responsibilities of the Corporate Policy  
17 Secretariat. Are you familiar with that page?

18 A. Yes.

19 MR. CASTRILLI: Mr. Chairman, I would  
20 like to have this marked as the next exhibit.

21 THE CHAIRMAN: I think that is Exhibit  
22 15.

23 MR. CASTRILLI: Mr. Chairman, if we want  
24 to give it a name I guess we could call it Ontario  
25 Government Phone Directory, February 1988, excerpt page

1 360.

2 THE CHAIRMAN: Very well.

3  
4 ---EXHIBIT NO. 15: Ontario Government Phone Directory,  
February 1988 (excerpt page 360).

5 MR. COSMAN: Mr. Chairman, if I may. I  
6 presume this is being filed as proof of what's in the  
7 phone book and nothing more at this time?

8 MR. CASTRILLI: I am going to be asking  
9 questions about it.

10 THE CHAIRMAN: That would be correct, Mr.  
11 Cosman.

12 MR. CASTRILLI: Q. Mr. Douglas, will you  
13 turn to page 360, Exhibit 15. The description under  
14 Corporate Policy Secretariat is the one I read to you  
15 earlier.

16 So would you agree that according to this  
17 phone book the responsibilities of the Corporate Policy  
18 Secretariat, at least as of February 1988, included  
19 co-ordinating land use and integrated resource  
20 management environmental assessment?

21 MR. DOUGLAS: A. What you see in the  
22 phone book has not been updated to reflect the changes  
23 that were made.

24 What you see there, that role is the role  
25 for the planning -- Policy & Planning Secretariat which

1 I was director of until the 15th of September, 1987.

2 As I indicated to you - I indicated to  
3 the Board earlier - at that time there was a special  
4 branch set up in order to deal with the workload  
5 associated with this environmental assessment. It was  
6 defined clearly as an inner move and what has happened  
7 is that what occurred officially has not been updated  
8 in the phone book.

9 Q. Will you agree with me, however, that  
10 what the phone books says at page 360 is that the  
11 Corporate Policy Secretariat's role includes providing  
12 leadership in those three areas?

13 A. That is incorrect.

14 Q. Are you saying that it does not say  
15 that on that page? I will read the words to you.

16 A. It does not say that on that page.  
17 That material is out of date.

18 THE CHAIRMAN: No, but Mr. Douglas, I  
19 think what he is asking you is: Is what is written  
20 here accurate in terms of what he described?

21 MR. DOUGLAS: Yes, it is accurate in what  
22 he described.

23 THE CHAIRMAN: That was your question;  
24 was it not, Mr. Castrilli?

25 MR. CASTRILLI: Yes, it was.



1 Q. Mr. Douglas, in looking at page 360 I  
2 couldn't tell whether, from that organization chart you  
3 report to the Director of the Corporate Policy  
4 Secretariat, at least according to the page, or whether  
5 the Director of the Corporate Policy Secretariat  
6 reports to you.

7 Could you advise me which is the case?

8 A. Neither one of us reports to each  
9 other; we both report to the Deputy Minister directly.

10 Q. What now are the Corporate Policy  
11 Secretariat's responsibilities, if not the ones that  
12 are listed at page 360?

13 A. They refer to the role of Corporate  
14 Secretariat to provide leadership in development and  
15 co-ordination of policy.

16 So I would stop at that point and add at  
17 the end, it also ensures liaison with Cabinet, Cabinet  
18 committees and other ministries.

19 Q. So that's what the phone book should  
20 say?

21 A. That's correct.

22 Q. And I presume that is what the phone  
23 book will say when the next version of this comes out  
24 in six months or six months from February of '88; is  
25 that right?

1 A. It should, yes.

2 Q. So the responsibilities of the  
3 Corporate Policy Secretariat have been stripped with  
4 respect to IRM, land use and environmental assessment;  
5 is that your testimony?

6 A. There has been a division of the  
7 responsibilities into the two branches.

8 Q. I am not sure that's what I asked  
9 you.

10 Does the Corporate Policy Secretariat  
11 continue to have any responsibilities with respect to  
12 integrated resource management, land use planning, and  
13 environmental assessment?

14 A. They do not have the lead role for  
15 those responsibilities. As a corporate office, they  
16 obviously have interest in those.

17 Q. But you or your branch, and not the  
18 Corporate Policy Secretariat provide leadership; is  
19 that correct?

20 A. That's correct.

21 Q. And the Corporate Policy Secretariat  
22 no longer provides leadership with respect to those  
23 three areas; is that your testimony?

24 A. They do not have the lead roles for  
25 those three functions that you have identified.

1                   Q. Thank you. Now, Mr. Douglas, I  
2 understand from your testimony that resource management  
3 plans, such as timber management plans, focus on one  
4 resource management program; is that correct?

5                   A. Yes, they may.

6                   Q. Can I ask you to turn to page 18,  
7 paragraph 36 of Exhibit 6.

8                   I believe in response to my last question  
9 you said that timber management plans may focus on one  
10 resource management program.

11                   The second sentence in paragraph 36  
12 states:

13                   "In comparison to land use plans and  
14 guidelines, resource management plans  
15 generally tend to provide more detailed  
16 and specific direction, apply to smaller  
17 geographical areas and focus on one  
18 resource management program... "

19                   Now, you said they may. Did you mean to  
20 say that within paragraph 36 they may, or did you mean  
21 to say in paragraph 36 that they do usually?

22                   A. They do usually.

23                   Q. Thank you. Now, on page 40 of  
24 Exhibit 6, which is actually also known as Document 3,  
25 there is an indication -- I should say for the record

1       that it is the Ministry of Natural Resources' statement  
2       of philosophy an integrated resource management. It is  
3       the second page of that document in Exhibit 6.

4                       MR. FREIDIN: Page 40?

5                       MR. CASTRILLI: Page 40.

6                       Q. I believe in your testimony yesterday  
7       or last week -- Mr. Monzon's testimony last week, you  
8       indicated that the document was released in 1985, and  
9       can I presume, therefore, that 1985 is the date that  
10      IRM was established within the Ministry of Natural  
11      Resources officially, or officially approved?

12                      MR. DOUGLAS: A. I would say that was  
13      the first time there was a formal statement made  
14      defining it.

15                      The term integrated resource management  
16      had been around for some time and had been identified  
17      in a number of documents, including some of the  
18      documents that the Minister tabled at the release of  
19      the District Land Use Guidelines in 1983.

20                      Q. So integrated resource management  
21      would have been around at least as early as 1983.

22                      When would you actually pinpoint, in  
23      time, when IRM was a part and parcel of Ministry of  
24      Natural Resources' programs?

25                      A. I don't think I could put that to a



1 specific date. It was an evolving concept and it  
2 certainly has its roots back even into the late 60s.  
3 It certainly evolved over time, increased in scope and  
4 meaning as we gained more experience in applying it.

5 Q. Would you agree that 1985 would  
6 establishe -- when the IRM philosophy was established  
7 within MNR, as it is indicated in that document,  
8 Document 3, would place it after the SLUP and District  
9 Land Use Guideline exercises that are referred to  
10 elsewhere in your testimony, in terms of its  
11 establishment?

12 A. I wouldn't say the establishment.  
13 Certainly the articulation and the formal issuing of  
14 the statement came after the completion of those  
15 documents that you referred to.

16 But much of the meaning and the  
17 definition that was developed as part of the Land Use  
18 Guidelines, the strategic land use planning, led to  
19 some of the concepts and some of the statements that we  
20 made in this statement of February '85. Much of the  
21 roots of it is as a result of that land use planning  
22 program.

23 Q. Thank you, Mr. Douglas. Can I ask  
24 you to turn to Document 11 in Exhibit 6. It is  
25 entitled Framework for Resource Management Planning In

1 MNR.

2 THE CHAIRMAN: What page is that?

3 MR. CASTRILLI: It is page 186, is where  
4 it commences.

5 Q. Do you have that?

6 MR. DOUGLAS: A. Yes.

7 Q. The title page indicates that it was  
8 produced in April 1986 by the Policy & Planning  
9 Secretariat. Can I presume that you were the Director  
10 of the Policy & Planning Secretariat at that time?

11 A. Yes, that's correct.

12 Q. And did you prepare or oversee the  
13 preparation of this document?

14 A. It was prepared under my direction  
15 and supervision.

16 Q. And this constitutes MNR policy?

17 A. Yes, it does.

18 Q. Can I ask you to refer to page 194 of  
19 that document, Table 1. The head of the table  
20 indicates -- it is called Planning Relationships, and  
21 under the next to the last column headed Integration  
22 Strategies, it is stated that:

23 "Program Policies and targets undergo  
24 some integration during preparation and  
25 approval in order to minimize conflicts."

1                   Mr. Douglas, can you advise the Board how  
2 MNR in fact does this or could you give us an example?

3                   A. Well, Mr. Monzon in his testimony  
4 indicated some of the target testing that happened at  
5 the regional and district levels before those numbers  
6 were arrived at.

7                   Q. Give us an example of a target you  
8 were testing for?

9                   A. We tested at the broad level in  
10 respect to wood supply, we tested in terms of area  
11 required for provincial parks, those types of things.

12                  Q. Now, one row down in Table 1 where we  
13 are looking at District Land Use Guidelines, still  
14 under the heading Integration Strategies, it is stated  
15 that:

16                   "Integration strategies established as  
17 set of principles and targets are tested  
18 to ensure they can be met."

19                   Is that what you were just referring to  
20 as well?

21                   A. Yes, it happens at two levels.

22                   Q. If I now refer you to page 202 of  
23 Document 11 under the heading 3.9. The document --

24                   MR. FREIDIN: Which page?

25                   MR. CASTRILLI: Sorry, page 202.

1 Q. It says in part:

2 "Resource management planning must  
3 recognize, the capacity of the natural  
4 environment..."

5 I am just wondering, can you confirm for  
6 me that the reference there is to the capacity of the  
7 natural environment to maintain production capacity?

8 MR. DOUGLAS: A. That's certainly the  
9 intent, that we don't undertake activities in a way  
10 that would impair the ability of the environment to  
11 make those benefits -- those resource benefits  
12 available in the future.

13 Q. So then the meaning of the term or  
14 the phrase that I just quoted, you are saying, includes  
15 the carrying capacity of the environment?

16 A. That's one term that's used in the  
17 literature. We are talking about resource potential.

18 Q. So can I conclude then that if you  
19 also mean the carrying capacity of the environment that  
20 you would agree that you must specifically know the  
21 environment to be affected by a particular cutting  
22 operation before the cutting takes place?

23 A. You would have to know the type of  
24 area you are dealing with, yes.

25 Q. And to know the environment or the



1 type of area you are dealing with and the area that's  
2 going to be affected, would you agree you have to do  
3 environmental baseline inventories and do census of  
4 wildlife, both game and non-game, before any cutting  
5 could be approved?

6 A. The type of inventories that are  
7 necessary will vary from resource to resource, and I am  
8 not an expert in some of these inventories. But, as a  
9 general rule, we need to have some type of inventories.

10 Q. Some type of inventories of the type  
11 I described?

12 A. You would want to have an inventory  
13 of the forest base, you would want to have a type of  
14 inventory in respect to, for example, the moose  
15 population in the area.

16 Q. Those are two principal examples?

17 A. Those are two examples, yes.

18 Q. Who would be expected to do the  
19 environmental baseline inventories, would it be MNR or  
20 would it be the particular logging company involved on  
21 the particular site?

22 A. MNR traditionally undertakes the  
23 province-wide inventories, for example, for forest  
24 resources. They may have their information  
25 supplemented by individual knowledge that the company

1 will have because of its familiarity with operating in  
2 the area.

3 Q. What about environmental baseline  
4 inventories; who would do that, MNR or the logging  
5 company?

6 A. Could you define what you mean by  
7 environmental baseline?

8 Q. Well, let's exclude the forest  
9 resource in terms of trees. I am talking about the  
10 flora, fauna, the other values in the forest besides  
11 the trees?

12 A. MNR traditionally would undertake  
13 inventories of other values on the Crown land.

14 Q. That's MNR --

15 A. In some cases --

16 Q. I'm sorry.

17 A. In some cases there would be  
18 inventories that were undertaken by other ministries  
19 that would be of value to us, or even other levels of  
20 government. For example, there might have been water  
21 quality surveys undertaken by MOE, or the Ministry of  
22 Culture and Communications may have undertaken  
23 archaeological reviews. It depends on the particular  
24 area you are talking about.

25 Q. Still on page 202 of Exhibit 6, the

1 heading 3.10. The last sentence states on that page:

2 "The practice of preparing plans for two  
3 or more programs for the same area...is  
4 to to be encouraged."

5 Would you agree with me, Mr. Douglas,  
6 that if you are looking at a particular landscape you  
7 should be considering all of the demands and pressures  
8 that are or could foreseeably be placed upon it?

9 A. At some time before you undertake  
10 activities that impact upon the environment, that  
11 should occur.

12 Q. So the answer to my question is yes?

13 A. Yes, but not necessarily through one  
14 single plan or a multitude of plans. You have to look  
15 at the individual situation before you can come to a  
16 practical decision.

17 Q. You indicated in that sentence that  
18 this practice should be encouraged.

19 Would it be fair to say that the practice  
20 of preparing plans for two or more programs for the  
21 same area is not only to be encouraged, but is  
22 essential?

23 A. No, I would not.

24 Q. So you would disagree that it is  
25 essential?

1           A. I would disagree that it is essential  
2           to undertake programs only for the purposes of several  
3           resources. That may be, in fact, a correct strategy in  
4           some situations; in other situations that strategy may  
5           not be necessary.

6           As I identified earlier, in terms of the  
7           framework of resource management planning, the key  
8           things to take into account is the impact on the  
9           environment, and there are various processes that can  
10          be undertaken in order to ensure that takes place.

11          That may involve a plan involving two or  
12          more resources; it may involve two separate plans, but  
13          with co-ordination between the both of them.

14          Q. Page 204, it is under the heading  
15          Steps in the Planning Process.

16          The second paragraph indicates that:  
17          "Where resource plans are to be prepared  
18          by Forest Companies, either through  
19          licence or FMA agreements (sic), the  
20          planning steps will be determined by the  
21          processes established in the approved  
22          Class EA for Timber Management."

23          Mr. Douglas, is it your testimony that  
24          forest companies are now or will be expected in future  
25          to have the personnel to do what is described in this



1 document?

2 A. The forest companies are required to  
3 meet the requirements that are in the Timber Management  
4 Planning Manual. There are certain aspects of that  
5 that will be done in a joint way with MNR; whereas in  
6 Crown management units, MNR does everything.

7 There is differences with licences -- or  
8 units that are company management units or FMA units.

9 In terms of these responsibilities and  
10 how that is split out, that will be talked about in  
11 more detail in later panels.

12 Q. Well, let's talk about it now in  
13 paragraph 3 which says in part:

14 "In order to achieve IRM objectives in  
15 externally prepared plans, the manuals  
16 guiding plan preparation and MNR review  
17 process will provide the necessary  
18 direction. An interdisciplinary team  
19 approach to guideline/manual preparation  
20 to ensure intergration is strongly  
21 encouraged."

22 Now, is it your testimony that all of  
23 this will be expected to be done by private logging  
24 companies? We are talking about externally prepared  
25 plans here; are we not?

1           A. The last sentence refers to a number  
2 of manuals and guidelines that are to be prepared to  
3 indicate how that planning is to be undertaken and what  
4 measures are necessary to protect other values.

5           The last sentence doesn't refer to the  
6 preparation of the plan itself of the timber management  
7 plan. These are the various guidelines which will be  
8 described to the Board by later panels, including those  
9 for moose, road construction, those kinds of  
10 activities.

11          Q. Let me go back to the second  
12 paragraph then. What do you mean by a resource plan  
13 has to be prepared by a forest company? What exactly  
14 is a resource plan that you are referring to there?

15          A. The timber management plan.

16          Q. Exclusively?

17          A. According to the definition that's in  
18 the environmental assessment.

19          Q. Let me ask you this then: In your  
20 testimony are you saying that this is now done within  
21 MNR for internally prepared plans as opposed to  
22 externally prepared plans?

23          A. I am not sure I follow your question.

24          Q. I am not sure I follow your  
25 paragraph. What do you mean by an externally prepared

1 plan?

2 A. That is a plan -- we are talking in  
3 this particular paragraph about a timber management  
4 plan. In some management units in the province, the  
5 responsibility for preparing that plan lies with the  
6 company. In all cases, it is MNR that reviews that  
7 plan and approves that plan.

8 Q. And an internally prepared plan, you  
9 are talking about something taking place on a Crown  
10 management unit?

11 A. That's correct.

12 Q. So in paragraph 3 with reference to  
13 the interdisciplinary team approach to guideline and  
14 manual preparation for externally prepared plans is not  
15 a reference to logging companies, but is a reference to  
16 MNR?

17 A. What we are talking about in the last  
18 sentence in paragraph 3 -- is this the one you are  
19 specifically enquiring about?

20 Q. Yes, I am really -- yes.

21 A. Okay. What we are talking about  
22 there are the manuals that will apply to the  
23 preparation of plans, whether they were prepared by MNR  
24 itself or whether they were prepared by the forest  
25 management companies. These guidelines or these

1 manuals would apply no matter who prepared the plan,  
2 whether it was company or whether it was MNR.

3 Q. That was my question initially. Are  
4 you expecting companies to prepare some of these from  
5 time to time, externally prepared plans?

6 A. They will prepare the plan. They  
7 will not prepare solely. The manuals that will direct,  
8 for example, how you take into account tourism values,  
9 those would be developed by another process. They will  
10 involve the companies as a partner in their  
11 development, they will also involve participation by  
12 whoever has interest in that particular subject matter.

13 Q. Mr. Douglas, just so we are clear on  
14 what the document is referring to in those two  
15 paragraphs at page 204 that I read into the record  
16 earlier and questioned you on, the process that is  
17 envisioned by you is the one that is set out commencing  
18 at page 205 and running continuously to page 213?

19 A. The steps in the planning process, as  
20 I identified on Friday, generally apply to resource  
21 management planning.

22 Now, this framework document was  
23 developed in order to give general direction to  
24 undertaking plans or the preparation of manuals which  
25 determine how plans are prepared; for example, the



1 Timber Management Planning Manual.

2 In those cases where a manual has been  
3 specifically produced for development of one plan, for  
4 example, a timber management plan, the direction in  
5 that timber management plan is the plan -- the  
6 direction that is to be followed.

7 There is an interpretation of the  
8 framework document in the preparation of these manuals  
9 and when we, for example, review manuals such as for  
10 planning for timber or for fisheries, we check those  
11 manuals against these principles and these steps, and  
12 if we believe that they are in accordance with or if  
13 any variance is explainable, makes sense, then what  
14 happens is, when there is corporate approval of those  
15 manuals, those manuals will direct how those plans are  
16 prepared.

17 Q. Well let me just ask you then: The  
18 steps that are set out from page 205 to 213, it is your  
19 testimony that these steps are what MNR has to do and  
20 not what a logging company has to do, or can it also  
21 include what a logging company would have to do?

22 A. As I indicated, what MNR has to do or  
23 what a logging company has to do. There is no  
24 difference as defined in the Timber Management Planning  
25 Manual and in the environmental assessment. It makes

1 no difference who prepares the plan.

2 Now, what you have in the Timber  
3 Management Planning Manual is an interpretation of the  
4 material in the framework, and I should add that what  
5 is in the Timber Management Planning Manual is far more  
6 specific, far more detailed than what are in the  
7 general principles and these specific guidelines.

8 For example, there are more steps for  
9 public consultation in the Timber Management Planning  
10 Manual than what are identified here, as an example.

11 THE CHAIRMAN: Mr. Douglas, just to  
12 clarify that for myself and my colleagues. In an area  
13 where a guideline has been produced by MNR, I  
14 understand that you will take into account these  
15 principles?

16 MR. DOUGLAS: Yes.

17 THE CHAIRMAN: Once a guideline has been  
18 produced.

19 MR. DOUGLAS: Yes.

20 THE CHAIRMAN: Then that becomes the  
21 guiding direction for either MNR, if it is operating --  
22 if it is preparing a plan on Crown lands itself or  
23 whether a logging company is doing the same thing on  
24 Crown lands?

25 It is the guideline for a timber

1 management plan, if one has been produced, that one  
2 looks to which, in effect, supercedes these general  
3 principles.

4 Is that your testimony?

5 MR. DOUGLAS: That's entirely correct,  
6 sir.

7 MR. CASTRILLI: Thank you.

8 Q. Page 218. At this page, Mr. Douglas,  
9 you refer to three -- under the heading Optional  
10 Approaches to Integrating Resource Management Planning.  
11 You refer to three broad optional planning approaches  
12 that can be used to integrate resource management  
13 planning.

14 And I gather at page -- commencing at  
15 page 220 there is a Table No. 2 which summarizes these  
16 approaches; is that correct?

17 MR. DOUGLAS: A. Yes, that's correct.

18 Q. Let's take a look at the first one on  
19 page 220. The planning approach that is set out here  
20 is in relation to -- in the lefthand corner, on the  
21 left-hand side of the table is entitled Fully  
22 Integrated Resource Management Planning.

23 Mr. Douglas, would it be fair to say that  
24 this approach is what the MNR strives for?

25 A. No. The manual makes it clear that

1       there is choices available and that decisions should be  
2       made in the context of what makes most sense in the  
3       individual situation subject to, of course,  
4       requirements such as timber management planning which  
5       is covered by this environmental assessment.

6                   Q.   I am a little confused.   Wasn't  
7       integrated resource planning supposed to be integral  
8       and part and parcel of land use planning and  
9       environmental assessment, and now you are saying that  
10      fully integrated resource management is not preferable?

11                   A.   We are talking about integration at  
12      different levels.   The integration did occur at the  
13      land use planning level, as Mr. Monzon described to the  
14      Board.

15                   What we are saying is that in the  
16      development -- the more specific resource management  
17      plan, it is necessary to make sure that there is  
18      co-ordination among the various programs and that there  
19      are a number of ways of achieving that.   One of the --  
20      and each one of these three options is, in fact, one of  
21      the ways of doing it, and I am talking about pages 220  
22      to pages 222.

23                   Q.   We are going to get to the other  
24      tables in a moment.

25                   What are you saying with respect to



1 planning approach No. 1, however, that fully integrated  
2 resource management planning, which is described in  
3 this particular table, is not in fact preferable in the  
4 area of the undertaking to be consistent with land use  
5 planning and environmental assessment?

6 A. It is not necessary to use that  
7 approach, if that's your question.

8 The important point is that the approach  
9 that's undertaken makes sure that all those values,  
10 other values are taken into account before decisions  
11 are made about which activities are to be undertaken.

12 Q. So you are saying in certain  
13 circumstances the options that are set out at table --  
14 no, page 221, which is Individual Planning Program, and  
15 page 222, Project Review, are preferable; is that your  
16 testimony?

17 A. I did not put a preference on either  
18 one of those. Each one of those may be quite  
19 appropriate and quite suitable in individual  
20 circumstances.

21 Q. Let me put it this way: For a  
22 student of integrated resource management planning  
23 would he prefer Option 1, 2 or 3?

24 A. I am not sure. My understanding of  
25 the literature is such that the key criteria that most

1 people would take into account is which one works best  
2 and what are the results, and we think that each of  
3 these three approaches can produce good results  
4 provided that the processes and the principles that we  
5 identified are followed.

6 I think in terms of one of the things  
7 that we very frequently hear is that integrated  
8 resource management identifies only for planning and  
9 there is often too much emphasis on the integrated  
10 planning.

11 When we use the term integrated resource  
12 management in the Ministry -- I refer you to Exhibit  
13 No. 14, and when we are talking about integration we  
14 are talking here about integration at all those levels.  
15 We are talking about integrated policy, integration  
16 through the land use planning process, integration  
17 through various mechanisms during resource management  
18 planning, integrated work planning and operations, and  
19 as you go through the cycle.

20 So I am indicating the key in the  
21 resource management philosophy is to keep in mind that  
22 we are talking about integration at all levels and it's  
23 the results that counts.

24 I think one of the -- we too often spend  
25 too much time in process and not enough in results. So

1 as long as we get the results, as far as I am  
2 concerned, it doesn't matter which one of those three  
3 approaches were undertaken.

4 Q. Let's turn to the second one on page  
5 221. Before we actually go to the second one - just so  
6 that I understand your position on the first approach,  
7 fully integrated resource management planning - is it  
8 your testimony that approach No. 1 at page 220 is the  
9 one that may integrate non-timber values into timber  
10 management, or is it the one that can integrate  
11 non-timber values into timber management operations?

12 A. It is one that is capable of  
13 integrating any sets of interest, just as any one of  
14 those three approaches are.

15 Q. And those non-timber values include,  
16 of course, environmental protection?

17 A. They can take into account any  
18 variety of values that are defined in the planning  
19 process.

20 Q. Will it include environmental  
21 protection?

22 A. All three would.

23 Q. Your testimony is that planning  
24 Options 1, 2 and 3 are equally capable of providing  
25 environmental protection?

1 A. That's right.

2 Q. On page 221, Column 4 - this is on  
3 individual program planning - in Column 4 it says:

4 "This approach represents the status quo  
5 in most parts of the province, and can be  
6 applied anywhere."

7 Do you see that, Mr. Douglas?

8 A. Yes.

9 Q. Then you say under Column 2, the  
10 first bullet under Description that individual program  
11 planning:

12 "...may occur at any geographical level,  
13 e.g. district; management unit; ",  
14 et cetera.

15 Now, is it your testimony that planning  
16 approach No. 2 is not preferable to No. 1 in attempting  
17 to achieve integrated resource management, or that it  
18 is?

19 A. I did not state either of those two.

20 Q. Well, would you state your position  
21 with respect to that question now?

22 A. Could you repeat the question.

23 Q. Surely. Is it your testimony that  
24 planning approach No. 2 at page 221 is not preferable  
25 to No. 1, that is approach No. 1 on page 220 in



1 attempting to achieve integrated resource management?

2 A. I don't agree with that statement.

3 Q. So you are saying that approach No. 2  
4 is likely better capable of achieving integrated  
5 resource management than approach No. 1?

6 A. No, I didn't.

7 Q. Are you saying that they are equal to  
8 each other in their ability to do so?

9 A. One would have to look at the  
10 individual circumstance to determine what the most  
11 appropriate approach is. Responses in the general I  
12 don't think are particularly helpful.

13 Q. Let's look at -- responses in the  
14 general -- responses in general are not helpful?

15 Output, the heading under Output, the  
16 last bulleted item:

17 "Work plans with marginal to full  
18 integration could result."

19 Under individual program planning.

20 Isn't that telling us that individual  
21 program planning is likely to result in less than full  
22 integration in certain circumstances?

23 A. I wouldn't agree with that statement.

24 Q. That statement that's in your table  
25 you don't agree with?

1                   A. The full integration could occur if  
2                   it's necessary.

3                   Q. Let's be clear about this, Mr.  
4                   Douglas. The item I just read into the record says:

5                   "Work plans with marginal to full  
6                   integration could result."

7                   from individual program planning.

8                   A. Mm-hmm.

9                   Q. Does that not tell you that  
10                  individual program planning is not necessarily going to  
11                  result in full integration in certain circumstances?  
12                  Isn't that the plain words that are stated in that  
13                  page -- in that column?

14                  A. Those are the words, but the meaning  
15                  behind those words are that there are certain sets of  
16                  activities that are undertaken in the Ministry which  
17                  impact upon each other. In those cases, integration is  
18                  necessary.

19                  There are other sets of activities that  
20                  are undertaken that have very little effect on other  
21                  activities. In those cases, going through a  
22                  complicated integration process is not necessary.

23                  Q. Would you agree with me that in the  
24                  reference to -- under Description to individual program  
25                  planning occurring at any geographical level of area,

1 district, management unit, et cetera, that there is the  
2 potential for difficulty in having individual program  
3 planning actually result in appropriate integrated  
4 resource management because, in fact, administrative  
5 districts and management units do not necessarily  
6 encompass the same geographic area?

7 A. It is a consideration that must be  
8 kept into account, yes.

9 Q. Would you agree then that the  
10 potential for conflict or, if you like, non-integration  
11 is greater under planning approach No. 2 than under  
12 planning approach No. 1 because of that?

13 A. That's only one of several factors  
14 that one has to take into account.

15 Q. But it is a factor; is it not?

16 A. It is one of many.

17 Q. Thank you. Planning approach No. 3  
18 on page 222 describes the third approach known as  
19 Project Review and it is described as having limited  
20 application to the far -- just to the far north.

21 Would you agree that approach No. 3 is  
22 not preferable to planning approach No. 1 as a general,  
23 rule, if your goal is fully integrating resource  
24 management?

25 A. The approach No. 3 is directed at

1 those kinds of activities or projects that really don't  
2 have a great deal of impact on other programs or  
3 activities and, as such, one could, through a proper  
4 circulation of staff, make sure that any potentials for  
5 conflicts are taken into account.

6 They are not part of an integrated set of  
7 activities, such as the ones that will be dealt with  
8 under No. 1 or No. 2.

9 Q. So the answer to my question is  
10 "yes", that No. 3 is not preferable to No. 1?

11 A. It depends on the situation.  
12 Number -- this one makes good practical sense in the  
13 cases where you don't have a lot of activity going on  
14 and the kinds of activities that are taking place have  
15 really no -- no real potential for conflict with each  
16 other.

17 In that case, following more simple  
18 procedure and then perhaps putting more effort in at  
19 the time where a potential problem is identified is the  
20 most practical approach. It is capable of catching  
21 concerns, it doesn't have the heavy process  
22 requirements on it that would be part of one or part of  
23 two.

24 This is quite a practical situation in,  
25 for example, southern Ontario where a lot of the



1 activities are not part, for example, of a timber  
2 management plan where you have a set of inter-related  
3 activities going on.

4 Q. Page 228, it is entitled Appendix B,  
5 Summary of Conclusions from a Review of Integrated  
6 Resource Management Paper, Spring 1984.

7 Could I ask you to advise the Board who  
8 wrote that appendix and what it's from?

9 A. Okay. As I indicated to the Board on  
10 Friday, there was a province-wide review of integrated  
11 resource management undertaken in the Ministry.

12 There was a discussion paper that was  
13 sent to all staff with a number of suggestions. We  
14 discussed those with staff right across the province  
15 from the district, from the region, the main office  
16 groups, all disciplines groups. From that we came up  
17 with a paper with a number of recommendations of how we  
18 should proceed with integrated resource management.

19 That resulted in two things primarily;  
20 one, was the framework document which we are discussing  
21 here; and the second was the statement of integrated  
22 resource management philosophy of which Mr. Monzon  
23 spoke of on Thursday.

24 Q. The first bulleted item under that  
25 heading:

1 "There is no consensus on any single  
2 option or combination of options, but  
3 Option C (individual management and  
4 operating plans for each program, as  
5 required) and Option D (individual  
6 management plans for each program;  
7 generally only one integrated operating  
8 plan) were favoured as the best overall  
9 approach."

10 Mr. Douglas, would you agree with me that  
11 that statement there generally concludes that approach  
12 No. 2 and perhaps approach No. 3 is the preferred  
13 approach within MNR as opposed to approach No. 1?

14 A. I would classify C and D as being  
15 closer to Option No. 2.

16 Q. Individual program planning?

17 A. Yes.

18 Q. Thank you. And that is essentially  
19 what that conclusion is saying then, that the preferred  
20 option within the Ministry of Natural Resources is  
21 planning approach No. 2, individual program planning?

22 A. Well, the Ministry's position on how  
23 to proceed with planning was identified in the  
24 framework document which we have just spoke about.

25 This refers to a set of comments that

1       were made at a particular point in time and there was  
2       deliberations after these were received before the  
3       final document was prepared and approved.

4               Q. Your testimony was, as you indicated  
5       earlier, that it is closest to planning approach No. 2?

6               A. If you wanted me to take the three  
7       and identify where it was closest, it was probably  
8       closest to 2.

9               Q. Thank you. Would you agree that the  
10       conclusion at page 228 is generally not supportive of  
11       planning approach No. 1; that is, fully integrated  
12       resource management planning, the approach we saw  
13       listed at page 220?

14              A. The results of the review was that  
15       there was need for -- need for flexibility, the options  
16       to apply the most appropriate process for the  
17       situation in hand. There should not be one strict  
18       mandated way of going about planning.

19              I think what we received in that review,  
20       talking to the various line managers, is the desire to  
21       provide some flexibility so that the most practical  
22       approach was incorporated. It basically said: Tell me  
23       what I am supposed to achieve and hold me accountable.

24              The important thing is attitude, don't  
25       lay on too many processes which -- if you come up with

1 any general process, it is going to have certain rules  
2 built into it that may or may not be particularly  
3 appropriate at an individual situation.

4 So if you have built in a single process,  
5 you are going to have to come up with something that  
6 deals with every situation. It is not practical to do  
7 that for a province as big as Ontario with as many  
8 resources as possible as we develop.

9 If you give us one that's supposed to  
10 deal with everything, we are going to run into some  
11 situations where the amount of complexity is  
12 unnecessary and that we will be spending our scarce  
13 dollars on something that is not required. It comes  
14 back to: It is the results that count.

15 And what we find in the organization,  
16 that if you lay on too much process, the emphasis goes  
17 off the results and you get a better attitude, you get  
18 better results if people are held accountable for  
19 results.

20 Q. Just so I understand your position,  
21 Mr. Douglas. It is your testimony that the individual  
22 program planning, which appears to be generally  
23 favoured by MNR programs, is consistent with integrated  
24 resource management?

25 A. It is, yes.



1 Q. Thank you. Let's go down the line,  
2 to, I believe, the eighth bulleted item on page 228.

3 A. Yes.

4 Q. It says there:

5 "There was no agreement on what  
6 geographical area should be the basis  
7 for planning."

8 Would you agree with me that this  
9 conclusion also poses a problem for integrated resource  
10 management within the Ministry of Natural Resources'  
11 programs?

12 A. Not necessarily.

13 Q. Mr. Douglas, how do you integrate  
14 programs when everyone is using a different map?

15 A. You make sure that when you have the  
16 planning teams come together they each know what their  
17 interests are, they each know from the District Land  
18 Use Guidelines what their objectives are, they sit down  
19 and, as part of that team, they develop plans that take  
20 into account each others' concerns.

21 Q. And that's notwithstanding you might  
22 have maps that partially or completely overlap  
23 different geographic areas? You are saying that's the  
24 best way to go about planning?

25 A. When all things are taken into

1 account, that is not an insurmountable problem. It is  
2 one of the realities that we have to work with, and it  
3 comes down to the fact that there is no agreement over  
4 what the best geographical area is, and whatever area  
5 you come up with, it will probably be better from one  
6 point of view and it will be less desirable from  
7 another point of view.

8 If you arbitrarily select an area it is  
9 going to -- you either average out all those  
10 considerations, or you give favour to one or the other.  
11 So you don't really solve the problem even though you  
12 may think you have.

13 Q. Is it your testimony that this does  
14 not pose serious problems with the success of IRM?

15 A. My testimony is that it is a  
16 situation that can be dealt with through the planning  
17 process that we have, it is a mechanical problem. The  
18 real solution to this is to get into more sophisticated  
19 ways of recording data in terms of base maps into  
20 geographic systems, and once those things are in place,  
21 I guess the situation we have now will be made simpler  
22 and we will probably end up then with better results  
23 because we haven't force fit all of these  
24 considerations into one area.

25 Q. Is it your testimony that MNR is in

1 the process of developing a system for dealing with the  
2 fact that various plans have different geographic maps  
3 associated with them?

4 A. We are developing a system which will  
5 allow us to geographically identify information, and  
6 once that system is in place, boundaries really become  
7 quite irrelevant, because what you can do is to get the  
8 kind of information for the particular geographical  
9 area that makes sense to solve the problem at hand.

10 MRS. KOVEN: Excuse me, Mr. Douglas.

11 MR. DOUGLAS: Yes.

12 MRS. KOVEN: Didn't we see an exhibit  
13 last week on the plans for the Wawa area?

14 MR. DOUGLAS: Yes.

15 MRS. KOVEN: You were talking about the  
16 map describing that area, and in that map there were  
17 various delineations of areas by nature of activity.

18 Is that the sort of -- I guess I am not  
19 quite clear what the geographical problems are. You  
20 are talking about different geographical areas.

21 MR. CASTRILLI: You have anticipated my  
22 next question.

23 Q. Could I ask you to turn to page 229,  
24 the first bulleted item on that page.

25 MR. DOUGLAS: A. Yes.

1 Q. "There is lack of consensus, and a  
2 level of confusion over the contents,  
3 audiences, and aims of various ministry  
4 plans. The current understanding of  
5 strategic plans, management plans and  
6 operating plans is not consistent across  
7 the province or across program lines.  
8 Nor is there a consensus on what these  
9 plans should be."

10 Mr. Douglas, do you agree with me that  
11 that statement seriously questions the Ministry's  
12 claims of being able to integrate its timber management  
13 operations, for example, with other non-timber  
14 programs?

15 A. No. What that statement does is, is  
16 indicates our assessment of the situation in 1984.  
17 Since 1984, we have produced the Framework for Resource  
18 Management Planning, we have identified principles and  
19 steps and roles and responsibilities and those types of  
20 things which were specifically developed to address  
21 this concern.

22 In terms of the timber management plan,  
23 we were very, very careful in making -- in terms of the  
24 Timber Management Planning Manual, we were very careful  
25 to make sure it was clear what those plans were all



1       about, who had responsibility for the preparation.

2               So that was a situation in the past which  
3       was one of the main reasons why we wrote the framework  
4       in the first place.

5               Q.   So you are saying that the problems  
6       and concerns that are identified in Appendix B have, in  
7       part or in whole, been resolved by what I call -- what  
8       you call Document 11, the Framework for Resource  
9       Management Planning?

10              A.   The problems that were identified on  
11       pages 39 -- sorry, 228 to 229. We took those as those  
12       things that should be addressed and we tried to address  
13       them in a number of ways.

14              One was the statement of IRM philosophy,  
15       which Mr. Monzon talked about. It was heavy on what  
16       were the expectations of staff, what kind of attitudes  
17       they should have, how should they approach IRM  
18       generally - not just planning, but all components of  
19       IRM - we produced a specific framework document for  
20       resource management planning and that has provided the  
21       directions for the preparation of the individual  
22       manuals, such as the Timber Management Planning Manual,  
23       the Fisheries Management Planning Manual.

24              Q.   So your testimony is that Document 11  
25       has gone some distance, in your opinion, in remedying

1 the problem identified at pages 228 and 229?

2 A. That is correct.

3 Q. Thank you.

4 MRS. KOVEN: Excuse me. I still didn't  
5 get my question answered about the problem with  
6 geographical areas.

7 Was this the discussion we had last week  
8 about regions and districts and whether it was the old  
9 TECA boundaries, or what's that about?

10 MR. DOUGLAS: Perhaps I can clarify.  
11 There are different geographical areas that MNR  
12 produces resource management plans which are the third  
13 level down. They may be for an individual park, they  
14 may be for individual forest management units, or they  
15 may be plans for an entire district and, depending on  
16 the resource that we are talking about, there are  
17 different boundaries that are used.

18 For a park, we use park boundaries. When  
19 we do a timber management plan, they correspond to  
20 those 99 forest management units that are identified on  
21 a map -- within that area of red, there is 99 of them.  
22 They do not necessarily correspond exactly to district  
23 boundaries. The fisheries management plans which are  
24 at the resource management planning level, they do. So  
25 within the resource management planning step in the

1 process, there are different boundaries.

2 MR. MARTEL: Would that include licence?  
3 Are you including licences that are functioning within  
4 certain areas that further confuse the issue?

5 MR. DOUGLAS: I am not an expert on the  
6 timber licensing system but, generally speaking, some  
7 of the forest management - I believe the FMA units -  
8 correspond to licences. When you get down to some of  
9 the Crown management units, there may be several  
10 licences in that, so there would be more than one.

11 MR. MARTEL: Which would further make the  
12 problem more complex in terms of overlapping boundaries  
13 and overlapping licences and so on, to try and resolve?

14 MR. DOUGLAS: Yes, but the situation with  
15 the timber management plans, they are to address those  
16 activities that take place within that management unit,  
17 not necessarily -- they don't deal with the matter of  
18 licensing, they are the activities on the ground.

19 MR. MARTEL: Yes, but what I am saying --  
20 or what I am asking, what I am trying to get cleared up  
21 is: You have a geographical area and that geographical  
22 area could well be -- it has some problems because it  
23 might overlap with another geographical area.

24 And I am just asking: When you throw the  
25 licensing in on top of that, it further compounds the

1       problem, as I understand it, in trying to reach a  
2       resolution on how you are going to do something?

3               MR. DOUGLAS:  It is another factor that  
4       would have to be taken into account, yes, sir.

5               MR. MONZON:  I think, if I might, Mr.  
6       Chairman.  On the Crown units, the timber licences are  
7       usually quite a bit smaller, so within a -- and they  
8       are for a shorter duration.  And, again, I am not an  
9       expert, but I know that much about it.

10              Given the size, they would be within a  
11      larger wildlife management unit or something.  So the  
12      licences on the Crown units would not necessarily add  
13      to the complexity because they would be a smaller  
14      geographic entity.

15              MR. CASTRILLI:  Q.  Mr. Douglas, can we  
16      move on to --

17              THE CHAIRMAN:  I think, Mr. Castrilli, it  
18      is now a quarter to three.  I think perhaps, because of  
19      the delay in starting, if you might gear your  
20      cross-examination to us, perhaps breaking at three for  
21      half an hour, if that would be convenient.

22              MR. CASTRILLI:  Yes, I think I have about  
23      fifteen minutes' worth.

24              Q.  Can I refer you to page 189 of the  
25      Exhibit 6.



1 MR. FREIDIN: What page?

2 MR. CASTRILLI: Sorry, page 189.

3 Q. It is the forward written by the then  
4 Deputy Minister, and the last paragraph indicates that  
5 readers of this document are:

6 "...to ensure that this 'Framework'  
7 paper...is followed throughout the MNR  
8 resource management planning process."

9 Mr. Douglas, would you agree that the  
10 Deputy is telling, for example, MNR regional and  
11 district managers to follow this framework?

12 MR. DOUGLAS: A. Certainly they are to  
13 to follow this framework, particularly reading the  
14 framework as it is in cases where there are no manuals  
15 in place.

16 As the Chairman rightly pointed out, when  
17 there is a particular manual for resource, such as  
18 fisheries, or timber or parks, they would supercede  
19 what's in these guidelines because they are in far more  
20 detail and there is consideration of the peculiarities  
21 of each resource incorporated into the individual  
22 manuals.

23 Q. In your opinion, does that  
24 statement -- sorry, let me ask that question again.  
25 Would you agree that that statement is an example of

1 what has been called top-down planning?

2 A. No, I wouldn't.

3 Q. In your opinion, does top-down  
4 planning necessarily represent what is biologically or  
5 logistically achievable in the forest?

6 A. I am not sure that I put any  
7 relationship between top-down planning and what you  
8 have stated in any way.

9 Q. You don't think that any -- your  
10 testimony is this document, Document 11 - which you say  
11 is what went some considerable distance toward  
12 alleviating the problems at pages 228 and 229 - is not  
13 an example of top-down planning?

14 A. It is not top-down planning, it just  
15 identifies processes and principles to be followed in  
16 the preparation of plans.

17 Q. Could you confirm for me --

18 A. In fact, what this--

19 Q. I am sorry.

20 A. --document outlines is that those  
21 plans are primarily developed at the district level. I  
22 don't see how that can be defined as top-down planning.

23 THE CHAIRMAN: Is the term top-down  
24 planning, does that have a particular significance? Is  
25 that an accepted description of a certain type of

1 planning, or perhaps maybe you can just define it for  
2 us.

3 MR. CASTRILLI: Well, I think as the  
4 cross-examination progresses you will see what I mean.  
5 Perhaps I can leave it at that.

6 Q. Mr. Douglas, are you aware of other  
7 views with respect to this document that conclude that  
8 it is top-down planning?

9 MR. DOUGLAS: A. There have been  
10 observations made to that effect.

11 Q. Would one of the observers be Dean  
12 Baskerville?

13 A. That's correct.

14 Q. Are you familiar with his critique of  
15 your Document 11 and is contained in his Audit?

16 A. I have discussed that with him, yes.

17 Q. Mr. Douglas, I presume you've a copy.

18 MR. CASTRILLI: Mr. Chairman, I would  
19 like to make this the next exhibit.

20 THE CHAIRMAN: Exhibit 16, it is entitled  
21 An Audit of Management of the Crown Forests of Ontario  
22 by Gordon L. Baskerville, it is dated August 1st, 1986.

23 ---EXHIBIT NO. 16: Document entitled An Audit of  
24 Management of the Crown Forests of  
25 Ontario by Gordon L. Baskerville,  
dated August 1, 1986.

1 MR. CASTRILLI: Q. Mr. Douglas, Exhibit  
2 16 was prepared by Dean Baskerville who is, I  
3 understand, the Dean of the University of New Brunswick  
4 Forestry School; is that correct?

5 A. He was at that time that this was  
6 prepared.

7 I am not sure whether he still is or not.

8 Q. And it was done under contract to the  
9 Ontario Minister of Natural Resources?

10 A. Yes, it was.

11 Q. The purpose of this audit was to  
12 examine the technical process of forest management as  
13 it is designed and implemented on Crown forests in  
14 Ontario; is that your understanding?

15 A. I think there was terms of reference  
16 in the back of this.

17 Q. Actually, I am referring to page 1.

18 A. That was a generalized statement. I  
19 don't believe it is there.

20 Q. Would you agree, Mr. Douglas, that  
21 Dean Baskerville is an expert in this field?

22 A. He is reputed to be so in the field  
23 of forestry.

24 I am not a forester myself, so I can't  
25 really pass judgment on that.



1 Q. Can I refer you to page 68, the last  
2 paragraph. Dean Baskerville says:

3 "The planning material of the Ontario  
4 Ministry of Natural Resources frequently  
5 implies top-down approaches with little  
6 or no recognition of the underlying  
7 realities of resource dynamics that must  
8 be controlled in order to achieve the  
9 broad top level objectives."

10 Then Dean Baskerville refers to A  
11 Framework for Resource Management Planning in MNR,  
12 1986, which is also your Document 11, as a case in  
13 point - it is at the top of page 69 - of the approach  
14 he has just been commenting upon critically.

15 Are you familiar with the passage I just  
16 read into the record, Mr. Douglas?

17 A. Yes, Dr. Baskerville and I have  
18 discussed that fact.

19 Q. Would you agree that Dean Baskerville  
20 is characterizing Document 11, your framework, as a  
21 case in point of top-down planning?

22 A. I believe there is a couple of things  
23 that were of concern to Dr. Baskerville.

24 He read this document just as he was  
25 completing his study and, as you know, it was only out

1 something like two weeks, so he hadn't had any  
2 opportunity to observe it in action.

3 He had a particular concern that we kept  
4 saying that plans achieved objectives, and he rightly  
5 pointed out that: No, it is not the plans that achieve  
6 the objectives, it is implementation of the activities  
7 in the plans that achieve objectives. And I certainly  
8 agree with that.

9 And perhaps the words weren't entirely  
10 accurate, but certainly it has always been our  
11 understanding, as identified by Mr. Monzon and myself  
12 in describing this, it is the activities that, when  
13 they are implemented, that the results are achieved.

14 Now, we make quite a distinction between  
15 process and content. The resource management planning  
16 framework was intended to define a process, how you go  
17 about planning; it was not intended to give a recipe  
18 about the results.

19 The results -- what comes out of the  
20 resource management plan has to take into account  
21 general directions in respect to what kind of processes  
22 are to be followed, it must take into account what  
23 policies of the Ministry are in place.

24 But the decisions in the plans must be  
25 based on an analysis at the local level of the resource

1 capability, the demands on that resource from various  
2 users and for various uses, the views of the local  
3 people.

4 This resource management planning  
5 framework in no way determines what the results are of  
6 the plans. It does not say what you do in order to  
7 solve a particular resource management problem in a  
8 specific circumstance.

9 So it is not top-down planning, it is  
10 general guidance on principles and processes to be  
11 followed for all Ministry resource management planning.

12 Q. Would you agree with me that Dean  
13 Baskerville is characterizing Document 11 as a case in  
14 point of top-down planning?

15 It is at the bottom of page 68, the top  
16 of page 69.

17 A. That's what the written word says.

18 Q. I presume that's also what the  
19 written word means?

20 A. Based on his understanding at the  
21 time he wrote it.

22 THE CHAIRMAN: Well, Mr. Douglas, how can  
23 you testify to what his understanding was?

24 MR. DOUGLAS: Because we've had  
25 discussions on this matter subsequent to the writing of

1 the document, and Dr. Baskerville did have quite a  
2 concern that we were implying that, you know, plans are  
3 an end in themselves as opposed to just a means to an  
4 end, and that's definitely true.

5 And if we were misleading by the words,  
6 there was no intent to mislead and that was his  
7 observation.

8 MR. CASTRILLI: Q. Mr. Douglas, these  
9 discussions you have had with Dean Baskerville, are  
10 they recorded anywhere?

11 MR. DOUGLAS: A. No, they are not.

12 Q. Has Dean Baskerville printed a  
13 retraction of his comments with respect to Document 11  
14 in any document you know of?

15 A. No.

16 Q. Thank you.

17 MR. MARTEL: Can I ask a question. In  
18 discussions with Dean Baskerville, did it lead to any  
19 changes in the processes that we're going through with  
20 this EA? I mean, was there a revision as a result of  
21 his document?

22 MR. DOUGLAS: Yes, there certainly was.  
23 I am not an expert in all the things, but in terms  
24 of -- when Dean Baskerville gave his report, several of  
25 us met with him to make sure we understood where he was



1 coming from, what he viewed the problems to be and what  
2 course of actions we should follow.

3 There was a 16-point action plan as a  
4 result of this report in our discussions with him, and  
5 that was taken under the direction of Mr. Armson, who  
6 will be one of the witnesses who will be coming up.

7 And we got a better idea of some of his  
8 concerns and we, in fact, discussed whether he thought  
9 those actions that we were taking were appropriate  
10 actions.

11 THE CHAIRMAN: Is anybody intending to  
12 call Dr. Baskerville, by any chance, of the parties  
13 here?

14 MR. FREIDIN: No, not at the present  
15 time.

16 MR. CASTRILLI: Q. So, Mr. Douglas, we  
17 have what Dean Baskerville has --

18 MR. DOUGLAS: Excuse me, I am sorry, I  
19 didn't complete my answer to Mr. Martel.

20 One of the - as has been pointed out, the  
21 first environmental assessment document was submitted  
22 in December 1985.

23 One of the reasons why we did the  
24 revision in June '87 was to incorporate some of those  
25 actions that were undertaken as a result of our

1 discussions with Dr. Baskerville.

2           There was, in particular, a number of  
3 revisions that clarified the planning process and the  
4 steps of the planning process - which Panel 15 will  
5 discuss with you - but one of the real guts of what  
6 Baskerville was after was to be very clear what the  
7 objective of that plan were and how the actions  
8 identified in that plan would achieve those objectives,  
9 and we made specific revisions to the EA so that we  
10 could address that concern that was addressed -- or  
11 identified by Dr. Baskerville because there was clearly  
12 misunderstanding of how that was supposed to happen.

13           I think one of things that we have  
14 learned over the last three or four years is that we  
15 have to be very, very clear in these various manuals  
16 about what's expected.

17           MR. CASTRILLI: Q. Mr. Douglas, we have  
18 what Dean Baskerville has written about Document 11 at  
19 pages 68 and 69 and we also have your hearsay about  
20 what he may have said since - which, I understand, you  
21 will not be producing - any summaries of these  
22 discussions you are discussing that will be commented  
23 upon; is that correct?

24           MR. DOUGLAS: A. I wasn't intending to.

25           Q. You weren't intending to. Do you

1 have any such summaries?

2 A. I don't have any written notes, no.

3 Q. So we have your recollection of what  
4 Dean Baskerville may have said?

5 A. Yes, and you have the action plan  
6 that was developed in response to Dr. Baskerville's  
7 concern.

8 Q. We don't have the results of the  
9 action plan though; do we?

10 A. Some of those projects have been  
11 completed, others are under way.

12 Q. Mr. Douglas --

13 MR. CASTRILLI: Actually, Mr. Chairman,  
14 you asked for a possibility of a break at approximately  
15 three o'clock. We could break here.

16 THE CHAIRMAN: Very well.

17 The Board will adjourn until 3:30 p.m.

18 ---Recess taken at 3:00 p.m.

19 ---Upon resuming at 3:30 p.m.

20 THE CHAIRMAN: Thank you, ladies and  
21 gentlemen. Please be seated.

22 MR. CASTRILLI: Thank you, Mr. Chairman.

23 Q. Mr. Douglas, are you all strapped in?

24 A. Yes.

25 Q. Okay. Would you agree that following

1 the framework document, your Document 11, will ensure  
2 resultant plans that are superlative for purposes of  
3 show, but not necessarily for implementation to achieve  
4 stated objectives?

5 A. I believe if the plans are prepared  
6 according to the general guidance given in the  
7 framework document, and more specifically in regards to  
8 the particular more detailed manuals, they should  
9 produce good integrated results.

10 Q. My question was: Do you agree with  
11 my question? And your answer is...?

12 A. Would you repeat your question,  
13 please?

14 Q. Sure. Would you agree that following  
15 the framework, your Document 11, will ensure resultant  
16 plans that are superlative for purposes of show, but  
17 not necessarily for implementation to achieve stated  
18 objectives?

19 A. I cannot agree with that entire  
20 statement.

21 Q. Wasn't that also Dean Baskerville's  
22 assessment?

23 A. Would you refer me to the page you  
24 are speaking of.

25 Q. Page 69, top of the page, first full



1 sentence on that page.

2 A. I believe he said:

3 "...but not necessarily for  
4 implementation."

5 Q. That is what I said and you said you  
6 didn't agree with any part of the sentence.

7 A. I said I did not agree with the  
8 entire sentence.

9 Q. Which part of the sentence do you  
10 agree with?

11 A. In terms of results, I think we can  
12 achieve good results providing the direction in the  
13 framework. Of course, that requires good decisions  
14 being made at the management unit level, for example,  
15 in timber management.

16 The guidelines by themselves don't assure  
17 good results, but they certainly provide a framework  
18 and principles to be followed and, with the use of  
19 good, professional judgment, can indeed result in good  
20 plans which produce results.

21 Q. Dean Baskerville agrees with the  
22 entirety of his statement, so he disagrees in part with  
23 you; is that correct?

24 A. Taken the literal statement you made,  
25 that's correct.

1                   Q. Mr. Douglas, isn't it also true that  
2                   in the, I think it is 40 pages that constitute Document  
3                   11, your Framework for Resource Management Planning -  
4                   that this document never mentions the response of the  
5                   resource to management interventions, nor even the  
6                   matter of resource dynamics?

7                   A. No, because that would be the part  
8                   that would be dealt with either as part of the more  
9                   detailed manuals or as part of professional judgment.  
10                  This document was not intended to provide that level of  
11                  detail.

12                  Q. And would you agree that the concern  
13                  in the framework document is with the form of the plan  
14                  and not its substance?

15                  A. The document does not dictate what is  
16                  the substance in any individual resource management  
17                  plan, other than it indicates it should be clear what  
18                  the objectives are for that plan.

19                  There are some headings, but it certainly  
20                  doesn't dictate the content, if you wish, in terms of  
21                  which specific activities are undertaken to achieve  
22                  what specific objectives in any particular plan.

23                  Q. But those were Dean Baskerville's  
24                  conclusions; were they not, the questions I just asked  
25                  you?

1                   A. His observation was based on the  
2 document and I believe that perhaps there is another  
3 step that we intended that was not identified by Dr.  
4 Baskerville. That, in fact, these documents set out  
5 directions in terms of general principles to be  
6 applied. They identify, for example, general steps of  
7 the process.

8                   One thing that both Dr. Baskerville and  
9 we, in our own review, independently came to was the  
10 need to identify roles and responsibilities. And once  
11 those directions are clear, I think that there should  
12 be every opportunity for the management unit forester,  
13 for example, in the activity that we are talking about,  
14 to exercise the judgment about resource dynamics.

15                  There was no intent to get into that  
16 level of detail in this framework document.

17                  Q. So you are saying it was not the  
18 intent of yourself as the author of this document to  
19 deal with the response of the resource to management  
20 interventions or to deal with the issue of resource  
21 dynamics; is that your testimony?

22                  A. We were not giving specific  
23 directions to biologists how to manage fisheries or  
24 timber managers -- to foresters how to manage forest or  
25 to water management how to manage water.

1                   We were giving general directions how to  
2                   approach planning.

3                   Q.   Would you agree, Mr. Douglas, that  
4                   the top-down only approach of MNR fails to encourage  
5                   creative exploration of what the resource is capable  
6                   of producing by examining the system from the bottom  
7                   up?

8                   A.   The MNR system provides ample  
9                   opportunity for the professional dealing with the  
10                  specific situation to apply his judgment to come up  
11                  with creative solutions.

12                  Q.   Do you agree with my question?

13                  A.   Could you repeat your question,  
14                  please?

15                  Q.   That the top-down only approach of  
16                  MNR fails to encourage creative exploration of what the  
17                  resource is capable of producing by examining the  
18                  system from the bottom up.

19                  Do you agree with that?

20                  A.   I don't believe that that statement  
21                  is true in all cases.

22                  Q.   Is it true in some cases?

23                  A.   It may have been in the past.  I  
24                  believe that the directions that we are taking on a  
25                  number of fronts over the last couple of years should



1 make that situation of encouraging creativity the norm.

2 Q. Wasn't what I just asked another  
3 conclusion of Dean Baskerville?

4 A. Could you refer me...

5 Q. Page 69.

6 A. Which particular part of it?

7 Q. That would be the second paragraph on  
8 that page.

9 A. I believe you have paraphrased some  
10 of the statements that were made there.

11 Q. Well let's see. Let's go through  
12 them. The third line down:

13 "This top-down only approach of MNR..."  
14 and then drop down two lines:

15 "...fails to encourage creative  
16 exploration of what the resource is  
17 capable of producing by examining the  
18 system from the bottom up."

19 Now, wasn't that Dean Baskerville's  
20 conclusion? Isn't it clear he disagrees with you?

21 A. That was his observation. I should  
22 add that the plans, for example, that Dr. Baskerville  
23 looked at were plans that were developed before the  
24 changes which we are proposing here in this  
25 environmental assessment were put into the system.

1                   He looked at timber management plans that  
2                   were prepared under the old system.

3                   Q.   He was also looking at Document 11,  
4                   was he not, and that conclusion of his is, in part,  
5                   dealing with Document 11; is it not?

6                   A.   I believe Dr. Baskerville qualified  
7                   that he only quickly looked at it and.

8                   "...in writing his report I did not speak  
9                   to any of the authors."

10                  Q.   Did he draw that conclusion, or did  
11                  he not? We just read the passage into the record, Mr.  
12                  Douglas. Isn't that his conclusion?

13                  A.   It is, but he identified certain  
14                  qualifications on that which wasn't written -- wasn't  
15                  read into the record.

16                  Q.   What are the qualifications?

17                  A.   I would have to review three or four  
18                  pages. Could I get back to you after the break.

19                  Q.   Perhaps you can do that in  
20                  re-examination with Mr. Freidin.

21                  MR. FREIDIN: I am sorry, would you  
22                  repeat that?

23                  THE CHAIRMAN: Mr. Douglas indicated that  
24                  in order to substantiate his last statement he would  
25                  have to read three or four previous pages of the report

1 and suggested that maybe he could do that after the  
2 next break.

3 And Mr. Castrilli indicated that perhaps  
4 you could deal with that in re-examination.

5 MR. FREIDIN: Well, I think if the  
6 witness wants to answer the question and he wants an  
7 opportunity to read it, I think he should be allowed to  
8 do so, Mr. Chairman.

9 MR. CASTRILLI: I don't have any  
10 objections, I am going to be with him sufficiently  
11 longer, he probably can have overnight.

12 THE CHAIRMAN: Well, I guess at this  
13 point you do not know whether you are going to be  
14 calling him for re-examination?

15 MR. FREIDIN: Whether I will be  
16 re-examining Mr. Douglas?

17 THE CHAIRMAN: Yes.

18 MR. FREIDIN: I will.

19 THE CHAIRMAN: You will.

20 MR. CASTRILLI: I am content either way,  
21 Mr. Chairman.

22 THE CHAIRMAN: Okay. Either tomorrow  
23 morning you can deal with this question, or your  
24 counsel can lead you to it in re-examination.

25 MR. CASTRILLI: Q. Sorry, Mr. Douglas.

1 Would you not agree that the MNR framework document,  
2 your Document 11, makes reference to assignment of  
3 objectives and targets in the field without, in effect,  
4 knowing whether the resource in the field is capable of  
5 meeting or sustaining such objectives?

6 A. I think that Mr. Monzon described  
7 yesterday how those -- or yesterday, on Thursday,  
8 described how those various targets were identified as  
9 part of the district land use planning process and that  
10 testing process involved in setting them at both the  
11 region and the district level.

12 Q. Wasn't what I just read into the  
13 record another conclusion of Dean Baskerville at page  
14 69, the last sentence in the first paragraph:

15 "Framework makes reference to the  
16 assignment of objectives and targets  
17 without requiring any reference to how  
18 these relate to control of the future  
19 using a specific measureable set of  
20 actions to control resource dynamics."

21 A. That is a statement that he has made,  
22 but as Mr. Monzon described, if you look at those  
23 documents on their face you may come to that  
24 conclusion, but if you understand the process in terms  
25 of their development, then that is not the case.



1                   Q. Clearly, Dean Baskerville - who spent  
2 a considerable period of time on behalf of the Minister  
3 of Natural Resources - did not understand what he was  
4 reviewing; is that your testimony?

5                   A. Essentially, Dr. Baskerville made  
6 some very good observations and conclusions which we  
7 are acting upon. There may have been some cases where  
8 he had not got into some of the history of some of the  
9 things that we were doing. He had a very short period  
10 in which he had to prepare his report.

11                  Q. But you would agree that his  
12 assessment is directly contrary to the evidence that  
13 both you and Mr. Monzon gave to this Board on May 12th;  
14 is that right?

15                  A. In terms...?

16                  Q. Regarding how the targets are  
17 derived?

18                  A. The targets, as Mr. Monzon indicated,  
19 were derived at looking at a variety of situations or  
20 variety of factors, including the resource base and its  
21 capability, the demands on that resource base and some  
22 of the conflicts between the various uses -- users and  
23 uses of that resource base, as identified through  
24 public participation or involvement programs.

25                  Q. Mr. Douglas, the answer to my

1 question is: Dean Baskerville disagrees with both you  
2 and Mr. Monzon; is that correct?

3 A. There may be some specific points in  
4 which there is disagreement, yes.

5 Q. Well, I'd look at a specific example  
6 with respect to that, I'd like to use the province's  
7 wood production policy in the context of both what you  
8 and Mr. Monzon have said earlier.

9 Is it your testimony that the pre-1972  
10 districts generated the numbers that the province  
11 reassigned down with respect to 9.1 million cunits of  
12 wood by the year 2020?

13 A. I am not an expert on how that policy  
14 was developed.

15 Q. Well, let me ask you: When you  
16 agreed with Mr. Monzon on May 12th, was that an  
17 example -- or was that issue of wood supply or wood  
18 production what you had in mind when you said that the  
19 targets are reassigned down from whence they came?

20 A. Well, I think you are confusing two  
21 matters. The forest production policy talks about a  
22 policy for regeneration at a particular level of wood  
23 supply. We were talking in terms of the District Land  
24 Use Guidelines about wood that would be made available  
25 for industry.

1                   So the wood supply, the numbers that Mr.  
2                   Monzon was talking about was wood that was already  
3                   there out there on the ground, whereas the timber  
4                   production policy was directed at making sure that  
5                   there would be future wood supply mainly through  
6                   regeneration and other associated activities.

7                   So we are really comparing apples and  
8                   oranges.

9                   Q. Now, let's be very clear about what  
10                  you said on the 12th and what I am asking now. Where  
11                  do the numbers come from, do they come from the  
12                  province directed down - generated by, I don't know  
13                  what - or do they come from the districts; and I am now  
14                  speaking only with respect to wood supply?

15                  A. That question should be directed at  
16                  Mr. Monzon because he was directly associated with the  
17                  development of the targets in northern Ontario. I  
18                  could only talk from a theoretical point of view.

19                  Q. I am sorry. I would be content to  
20                  have Mr. Monzon answer the question, if you like.

21                  MR. MONZON: A. The process that was  
22                  used in determining the targets as expressed in the  
23                  District Land Use Guidelines was a process that started  
24                  at the district level with the review of such issues as  
25                  capability, potential, no demand; a series of numbers

1       were derived as a result of that and, then, as I  
2       believe I described on Thursday, those numbers were -  
3       if I can use the jargon, Mr. Chairman - rolled up  
4       through the region to the provincial level, adjustments  
5       were made in those numbers based on knowledge relative  
6       to market demand, relative to other land uses which  
7       were going to be occurring - example: provincial park  
8       system - and the resultant numbers were reworked back  
9       down.

10               It would be incorrect to say that a  
11       number was taken from the district, that same number  
12       was taken up to a region or the provincial level and  
13       that the same number was given back down.

14               Q.   So that if I understand your  
15       testimony, the numbers that you say the district  
16       generated that went up to the provincial level and that  
17       came back down, would not necessarily be the same  
18       numbers?

19               A.   That's correct. There would likely  
20       be some modifications based on land use decisions and  
21       other criteria or assumptions, knowledge that was  
22       incorporated as a result of the regional and provincial  
23       review.

24               Q.   Mr. Monzon, would I be correct that  
25       it is Panel 4 that is going to deal with this issue,



1 generally, wood supply/wood production policy?

2 A. Yes, I believe that's correct.

3 Q. Well, let me put on the record now  
4 that I will be asking - I am asking now, but I will  
5 also certainly be asking during the course of the  
6 interrogatories on Panel 4 - for the numbers that were  
7 created by the districts that went up to the provincial  
8 level and that came back down.

9 And it is not a question.

10 A. That is why I am not responding.

11 MR. MARTIN: Can I get a clarification.  
12 What you are saying is that certain numbers went up and  
13 because of maybe some land use planning or something  
14 taken out of, maybe operation for awhile, that in fact  
15 the numbers on their way back down could differ; do I  
16 understand you correctly?

17 MR. MONZON: Essentially, yes, sir.

18 MR. MARTIN: Fine, thanks.

19 MR. CASTRILLI: Q. All right, Mr.  
20 Douglas, back to you. Page 20 of your evidence  
21 paragraph 41(e)

22 MR. DOUGLAS: A. Which paragraph?

23 Q. I am sorry, 41(e).

24 A. Right.

25 Q. And also the introduction to that

1 paragraph. You state there that:

2 "A common approach to preparing resource  
3 management plans is desirable for a  
4 number of reasons..."

5 (a), (b), (c), (d), (e), including:

6 "...improvement in the approach based on  
7 experience with one resource and benefit  
8 management of other resources."

9 Would you agree with me, Mr. Douglas,  
10 that in light of our earlier discussion regarding  
11 Document 11, in particular pages 220 to 222 and 228 and  
12 229, that in fact MNR does not have common approach to  
13 preparing resource management plans, that rather MNR  
14 has a lack of consensus and suffers from confusion over  
15 the contents, audiences and aims of various Ministry  
16 plans - to use, in particular, the words at page 229 of  
17 your evidence.

18 A. I don't agree with that statement.

19 Q. You are saying that the statement at  
20 page 229 is consistent with paragraph 41(e)?

21 A. Let me check 229, please.

22 Page 229 identified a problem which we  
23 attempted to address in the development of the  
24 statement of integrated resource management philosophy,  
25 the framework document which we have been discussing,

1 and we will continue to deal with as we develop the  
2 individual manuals, for example, for timber and  
3 fisheries.

4 So we are comparing two points in time.  
5 One was before this document came out. We are making  
6 the statement in No. 41 that we have dealt with a  
7 number of those matters that were concerns and we think  
8 that the process that we have developed can really lead  
9 us to progress.

10 Q. And would you agree with me that page  
11 229 and paragraph 41(e) do not agree with each other?

12 A. They are not -- no, but they are  
13 taken in different parts of the development of our  
14 thinking.

15 We believe that the problem that was  
16 identified in the previous paragraph has been dealt  
17 with in a number of ways and those ways and those means  
18 are identified in the evidence that I provided.

19 Q. Which is predominantly Document 11;  
20 is that correct?

21 A. That is one of them, but Document 11  
22 is only one part of integrated resource management.

23 Integrated resource management must deal  
24 with co-ordination of policy, must deal with  
25 co-ordination of land use, must deal with budgeting

1 implementation.

2 I guess I would like to clarify, again,  
3 that there are more ways and there is more means of  
4 achieving integrated resource management than just  
5 dealing with resource management planning.

6 That is one step; one component.

7 Q. The answer to my question is: Those  
8 two paragraphs don't coincide with each other; do they?

9 A. They don't coincide because one was a  
10 diagnosis of a problem and No. 41 talks about our  
11 observations on what we believe the solution to that  
12 problem has been.

13 Q. Based in part on Document 11; is that  
14 correct?

15 A. Yes.

16 Q. Mr. Monzon, I just wanted to clarify  
17 one point -- I actually should have asked you the  
18 question I didn't ask you earlier. You say the numbers  
19 are generated by the districts, they go up to the  
20 provincial level and they would have come back down,  
21 they would not necessarily have been the same numbers.

22 Can you confirm for me that in fact the  
23 numbers you are speaking of are pre-1972 numbers?

24 A. I can't -- no, I can't confirm that.

25 Q. Can you confirm that the numbers are



1 in fact available at the district level that you say  
2 fed into the ultimate number that produced the  
3 9.1-million cunits of wood?

4 A. I don't have that information either  
5 to answer yes or to answer no.

6 Q. Mr. Douglas, paragraph 50 page 23.  
7 At this particular paragraph you indicate that a number  
8 of specific policies have been developed which give  
9 clear direction to MNR staff about implementing  
10 integrated resource management and you refer there to a  
11 Document 15 known as the Policy for Integration of  
12 Other Values in Timber Management which is Document 15  
13 at page 242.

14 MR. DOUGLAS: A. Yes.

15 Q. I would like you turn to page 242 if  
16 you do have it. Under the policy heading you indicate  
17 that the policy of MNR is to recognize and take into  
18 account other resource values in addition to timber  
19 values when making decisions on timber management  
20 operations.

21 Mr. Douglas, I presume that is the policy  
22 today?

23 A. Yes. Before we get into discussion  
24 of this document, it has caused some confusion in the  
25 Government Review. The process now for taking other

1 resource values into account in timber management  
2 should be defined as that process that is defined under  
3 the Environmental Assessment Act and our submission on  
4 timber management.

5 There have been a number of changes in  
6 just the way that that happens over time, there have  
7 been a number of concerns raised by MOE, so I would  
8 refer you to the document itself, the Timber Management  
9 Environmental Assessment and commitments that we have  
10 made to MOE, I believe in that letter of May 6.

11 Q. We will get to that, Mr. Douglas. I  
12 would like to keep with page 242, under the heading  
13 rationale.

14 A. Yes.

15 Q. You state:

16 "In the past, reserves were established  
17 (notably along shorelines...) to  
18 accommodate other resource values such as  
19 fisheries, wildlife habitat and scenic  
20 views."

21 And that:

22 "Within these reserves, normally no  
23 timber management operations were  
24 permitted."

25 If I could just stop there. Is it your

1 understanding that it is MNR policy to prohibit  
2 harvesting and logging roads within 400 feet of shore?

3 A. That is not the policy across the  
4 province.

5 Q. Is that the policy that is referred  
6 to in this Document 15?

7 A. I believe that that goes back to some  
8 matters that were discussed during land use planning  
9 and there have been a number of changes that have  
10 occurred since that time.

11 I think the concern was that there was --  
12 we are getting into situations in which almost a  
13 blanket was commonly referred to as a doughnut around  
14 lakes and that would be a no-cut 400-foot strip and the  
15 number of concerns were raised.

16 On one hand, from the timber management  
17 point of view, that often involved some valuable timber  
18 that was being lost from the opportunity to harvest.

19 On the other hand, there were some cases  
20 where it didn't make any sense to have that kind of  
21 border and you could still achieve scenic values, you  
22 could achieve protection of water quality without  
23 having 400 feet.

24 Some cases you might want 200, in another  
25 cases you want 600 or 700. What we were trying to get

1 at was: Let's go through a reasoned analysis of what  
2 values are at stake in that situation and make  
3 reasonable judgments based on that.

4 So what we were trying to get away from  
5 was a cookie cutter approach to putting reserves around  
6 lakes.

7 Q. The answer to my question is that the  
8 400 foot policy may still be in effect for some places?

9 A. There may be 400-foot reserves judged  
10 to be the appropriate level of reserves in some  
11 situations, it is not province wide.

12 Q. And that would have changed from  
13 previous policy?

14 A. I believe that - and you are getting  
15 into the field situation which I am not familiar with -  
16 but, I understand, that in some cases of the province  
17 that occurs with certain types of lakes. It wasn't  
18 across all of the province.

19 Mr. Monzon, perhaps could offer a more  
20 learned comment on that.

21 MR. MONZON: A. At one point in the far  
22 past that was in fact a policy of 400-foot reservation  
23 and Mr. Douglas is quite correct when he talks to the  
24 doughnut effect.

25 My understanding is that that policy is



1 not in place now, there is no longer a blanket 400-foot  
2 reservation. But in terms of the specific situation  
3 around timber management planning that is taking place  
4 now, I can't give you a region-by-region or a  
5 district-by-district review.

6 Q. Could you advise me whether the  
7 400-foot reservation policy was in fact terminated by  
8 Document 15? Mr. Douglas, you wrote Document 15;  
9 didn't you?

10 MR. DOUGLAS: A. When a circular like  
11 this comes out it has the effect of superseding similar  
12 things that are in effect.

13 So that what this policy did, once it was  
14 put into place, identified the analysis on a  
15 site-by-site basis. That analysis and that process for  
16 that analysis is defined in the Timber Management  
17 Planning Manual and in the environmental assessment.

18 So that what this document did was  
19 identify the problem that there should not be an  
20 automatic 400-foot, it is not a number that, from any  
21 kind of physical analysis or biological analysis,  
22 necessarily makes sense in all situations. It may in  
23 some cases, others not.

24 Q. The answer to my question is: This  
25 Document 15 contributed the demise of the 400-foot

1 policy?

2 A. This policy indicated the direction  
3 as of December, '85.

4 Q. Is the answer to my question yes or  
5 no?

6 A. I guess the answer is yes.

7 Q. Thank you. Now, these reserve areas,  
8 can I take it that we are talking, for example, about  
9 sensitive environmental areas. Is that what is meant  
10 by the term reserve area?

11 A. There could be a variety of reasons  
12 for the reserves; that could be one, there could be  
13 others.

14 Q. Now, you say in the -- well, and I  
15 presume when -- you mentioned the doughnut around a  
16 lake, so I presume it also would be designed or the old  
17 policy was designed to protect water value as well --  
18 water quality, excuse me, as well; is that right?

19 A. That could be one consideration.  
20 What we are doing now is trying to get a little more  
21 sophisticated and take into account, for example, the  
22 slope and that when you talk about 400 feet, that  
23 doesn't necessarily take into account what the slope  
24 is, that doesn't take into account the probability of  
25 sedimentation of a particular magnitude.

1                   So what we are doing is entering a more  
2                   sophisticated level of planning in which we try to  
3                   match the potential problem and the potential remedy as  
4                   opposed to using a blanket approach.

5                   Q. Now, in the text from page 242 that I  
6                   just read into the record, under the heading rationale,  
7                   says in part, in the past, no timber operations were  
8                   permitted in reserves.

9                   And you have suggested -- you have stated  
10                  that the Ministry has, in part at least, abandoned the  
11                  reserves policy as least as it pertains to shorelines;  
12                  is that correct.

13                  A. Yes.

14                  Q. Thank you. Now --

15                  THE CHAIRMAN: Excuse me. Am I to  
16                  interpret that the Ministry has abandoned the reserve  
17                  policy around lakes? That was not what I interpreted.

18                  There will be some reserve.

19                  MR. DOUGLAS: Yes.

20                  THE CHAIRMAN: Whether it is 400 feet,  
21                  600 feet or 200 feet is predicated on the individual  
22                  circumstances, but not that there is no reserve policy?

23                  MR. DOUGLAS: Oh, there will still be  
24                  reserves in the majority of the lakes and, certainly,  
25                  there wouldn't an abandonment of a reserve without an

1 analysis to identify that this is a situation where you  
2 would be causing a problem.

3 What we are trying to do is to get beyond  
4 sort of the cookie cutter approach that Dr. Baskerville  
5 talks about in to a meaningful resource management  
6 analysis and that if, in fact, you have got a high  
7 probability of erosion and sedimentation, sure you are  
8 going to have a wide reserve.

9 On the other hand, if you don't have that  
10 potential, you don't give up the opportunity to harvest  
11 the wood.

12 MR. CASTRILLI: Q. Mr. Douglas, this  
13 document came out before not after Dean Baskerville; is  
14 that right?

15 A. Yes, but what I am saying is that  
16 some of the concerns and problems that were identified  
17 by Dr. Baskerville are, in fact, ones that we  
18 recognized and on a number of fronts we are taking  
19 actions on.

20 Q. Okay. The next sentence in that  
21 paragraph -- third sentence in that paragraph under the  
22 heading rationale:

23 "The net effect of this approach..."  
24 which is referred to in the first part of the  
25 paragraph:



1 "...is that reserves tied up merchantable  
2 timber and did not always provide  
3 Appropriate solutions for the protection  
4 and management of other resource values."

5 Now, you also say there was not always consistent and  
6 orderly identification and consideration of other  
7 resource values across the province.

8 So, Mr. Douglas, if I understand this  
9 statement you have written there, you are saying that a  
10 policy, for example, of preserving forests near  
11 shorelines from logging and road building did not  
12 protect either the forests or the shoreline; is that  
13 your testimony?

14 A. I think the word is appropriate  
15 solutions, as opposed to solutions.

16 There is some cases where, for example,  
17 upon analysis there is no reason why some of the wood  
18 couldn't be taken out of those areas that were  
19 previously identified as reserves. One could do that  
20 and still protect the water quality.

21 I think it is a matter of getting down  
22 and doing a specific analysis. If what you are trying  
23 to do is to achieve certain objectives, one is provide  
24 wood as the purpose of the undertaking, and also  
25 recognize that you are going to protect other values in

1 the environment, one should do a site-specific  
2 analysis.

3 And when that indicates that, for  
4 example, you can protect those other values and still  
5 harvest wood, it just makes good common sense to  
6 harvest the wood.

7 MR. MARTEL: Could I ask a question. Are  
8 we talking about a lot of wood in a 400-foot reserve,  
9 merchantable wood?

10 MR. DOUGLAS: Yes. You can talk about a  
11 significant amount depending on the configuration of  
12 lakes in a given area. If you get out in the  
13 northwest, for example, where there is a lot of lakes  
14 and you sit down and look at a map and you start  
15 putting 400 feet around each one of those, you are  
16 talking about a lot of area.

17 Now, I can't give you a specific number,  
18 but it is significant when you have a great variety of  
19 lakes.

20 MR. CASTRILLI: Q. Under the heading of  
21 intent, same page, you say it is MNR's intent through  
22 implementation of this policy to increase the amount of  
23 timber available by providing opportunities for timber  
24 management operations in areas previously identified as  
25 reserves and to protect other resource values, et

1 cetera.

2 So it is MNR's opinion in this document  
3 that reserves tied up merchantable timber; is that  
4 correct?

5 A. Yes, in some cases without any reason  
6 that one could identify, other than this was  
7 historically the way things had been done.

8 Q. And it is also MNR's intention to  
9 increase the amount of timber available by allowing  
10 timber operations in areas previously identified as  
11 reserves; is that correct?

12 A. When the joint condition of doing  
13 that and protecting other resource values could be  
14 accomplished, yes.

15 Q. Mr. Douglas, I am suggesting to you  
16 that the primary purpose of this policy,  
17 notwithstanding the title, is to permit logging  
18 companies to mine timber from areas they were  
19 previously excluded from because of environmental  
20 concerns. Do you have any comment?

21 A. I don't agree with that statement.

22 Q. You do not agree with me that it is a  
23 fair reading of Document 15 that its purpose is to  
24 permit logging companies to cut what they previously  
25 left but can still get at?

1                   A. In cases where you could do that and  
2 protect other resource values? There is nothing in  
3 that statement of intent to identify that harvesting of  
4 timber takes priority over protection of other resource  
5 values.

6                   Q. I refer you to Exhibit 5A, the  
7 material that was filed by Mr. Campbell last week.

8                   MR. CASTRILLI: Mr. Chairman, could I  
9 have your indulgence for one moment while I locate the  
10 right page.

11                  THE CHAIRMAN: Very well.

12                  MR. CASTRILLI: Thank you. I am sorry.

13                  Q. It is page 9 of Exhibit 5A.

14                  MR. DOUGLAS: A. Page...?

15                  MR. FREIDIN: Page 9?

16                  MR. CASTRILLI: Yes, page 9 of Exhibit  
17 5A.

18                  Q. You have the copy of what Mr.  
19 Campbell filed and the numbers are at the bottom of the  
20 page. On page 9, paragraph 4(b).

21                  MR. DOUGLAS: A. Yes.

22                  Q. This is a memorandum that was dated  
23 May 5, 1988 written by yourself; is that correct, to  
24 the Minister of the Environment at the Ministry?

25                  A. Yes.



1 Q. Also written, by the way -- or,  
2 co-signed by the Deputy Minister of Natural Resources;  
3 is that correct?

4 A. That's correct.

5 Q. States at paragraph 4(b) that:  
6 "MNR will notify field staff that the  
7 policy and procedure for integration of  
8 other resource values and timber  
9 management ..."

10 That is the Document 15 that we have been talking  
11 about.

12 "...is superseded by description of the  
13 planning process contained in the Timber  
14 Class Environmental Assessment."

15 Now, I understand that the Ministry of  
16 Environment had previously required a re-examination of  
17 this policy in light of the environmental assessment  
18 planning process; is that correct?

19 A. There was some confusion on that  
20 policy and its relationship and particularly the  
21 process and its relationship with that in the  
22 environmental assessment.

23 In order to clarify that we made a clear  
24 statement that from now on we will get rid of the one  
25 and just direct people to the Timber Management

1 Planning Manual, so that it would be clear to them what  
2 process they are following, an attempt to reduce  
3 confusion which seemed to exist in the minds of some  
4 readers of this document.

5 Q. Can you confirm for me that the  
6 paragraph I just read to you and read into the record  
7 conflicts directly with the position taken by you in  
8 paragraph 50 in your statement of evidence; the  
9 paragraph I read into the record earlier, page 23?

10 A. No, I would not agree with that.  
11 What we have done is made reference to the Timber  
12 Management Planning Manual. That manual is "a policy  
13 of the Ministry of Natural Resources", and what we have  
14 done is attempted to clarify for the readers what the  
15 position that should be taken.

16 So I see no conflict.

17 Q. Mr. Douglas, paragraph 50 is talking  
18 about Document 15, the policy for integration of other  
19 values in timber management policy -- I am sorry, in  
20 timber management, is a policy that MNR has developed  
21 to give clear direction to staff about the  
22 implementation of integrated resource management.

23 That is what paragraph 50 says.

24 A. Correct.

25 Q. What does paragraph 4(b) of Exhibit

1 5A say. It says that:

2 "Field staff will be notified that the  
3 policy and procedure for integration of  
4 other resource values in timber  
5 management is superseded by  
6 descriptions--"

7 I know not what of:

8 "--that are contained in the Timber Class  
9 EA."

10 Would you agree with me that the  
11 presentation of the policy in Document 15 in paragraph  
12 50 of your witness statement, signed I believe in March  
13 of this year, suggests to this Board that it is the  
14 basis for MNR's planning forest reserves other than  
15 timber.

16 Isn't that plain reading of paragraph 50?

17 A. Paragraph 50 has been as indicated in  
18 the document that you referred to May 5th, has been  
19 superseded.

20 The intent of those two things is the  
21 same. The fact is that the environmental assessment  
22 deals with it in a great amount of more detail, it  
23 provides a much better context and consequently, seeing  
24 that there was confusion and what the intent of a  
25 number of the para -- of the policy identified in No.

1 50 we said: Okay, let's not have any confusion, let's  
2 go directly to the Environmental Assessment Document,  
3 that will be the document that will clearly define how  
4 you go about dealing with these matters.

5 Now, Panel No. 15 will deal with this  
6 process and how it occurs in a great amount of detail  
7 and I would suggest that those people who have  
8 developed that and are applying that could, give you a  
9 more complete explanation than I could.

10 Q. Mr. Douglas, let's be very clear  
11 about this. Paragraph 50 says that Document 15 exists  
12 as MNR policy; is that correct?

13 A. Yes.

14 Q. And paragraph 4(b) of Exhibit 5A says  
15 that that same policy is now superseded; is that  
16 correct.

17 A. That's right.

18 Q. Thank you. And you say that doesn't  
19 conflict one with the other; is that right?

20 A. That's right. The intent of both  
21 those statements are exactly the same in the sense that  
22 what we are trying to do is taking a reasoned approach  
23 in terms of those areas that were, say five or ten  
24 years ago, defined as reserve.

25 If they are needed for environmental



1 protection or other values, they will be retained,  
2 there their size may be increased or decreased,  
3 depending on the analysis in the individual situation.

4 Q. Your testimony is that the intent is  
5 the same, notwithstanding that paragraph 50 says the  
6 policy says the exists and paragraph 4(b) says the  
7 policy is superseded; is that right?

8 That is the testimony you want this Board  
9 to remember?

10 THE CHAIRMAN: But they are not -- but  
11 surely, Mr. Castrilli they are not mutually exclusive.  
12 He is not saying that because one is superseded by the  
13 other, the other one is completely ignored, because its  
14 intent is different. Is he not -- I don't know, but...

15 MR. CASTRILLI: He says in paragraph 50  
16 that the policy exists in its function. He says in  
17 paragraph 4(b) that it has been superseded.

18 THE CHAIRMAN: But what it has been  
19 superseded by covers the same policy, as I understand  
20 it, in more detail. Therefore, if you look at the EA,  
21 you get the same policy in much greater detail than you  
22 would if you just looked at Document 15.

23 Maybe I am misunderstanding what Mr.  
24 Douglas said.

25 MR. CASTRILLI: Let me ask the question

1 this way of the witness, Mr. Chairman.

2 Q. Isn't it true that at no time during  
3 the two days of your testimony-in-chief last week, Mr.  
4 Douglas, that you advised the Board that paragraph 50  
5 of your witness statement was no longer accurate and  
6 that they could essentially ignore Document 15?

7 A. That is correct, but it was also my  
8 understanding that Mr. Campbell would be tabling I  
9 believe what we call 5A.

10 Q. He did that before you gave your  
11 testimony. When were you going to bring it to the  
12 attention of the Board?

13 A. I guess that is an oversight on my  
14 part.

15 Q. How many other oversights are there  
16 that now exist in your evidence as a result of Exhibit  
17 5A?

18 A. I don't believe there are very many.

19 Q. Have you checked?

20 A. What we will be doing, as we go  
21 through the various panels, is to identify to the Board  
22 those actions that have been taken as a result of  
23 further discussion post the Government Review with  
24 various ministries.

25 Q. And you are going to do that in

1 examination-in-chief?

2 A. We can do that, if that is your wish.  
3 We can specifically identify those actions.

4 MR. CASTRILLI: I think it would be  
5 helpful, Mr. Chairman, if the witness in fact did that,  
6 or perhaps the other witnesses in subsequent panels did  
7 that.

8 THE CHAIRMAN: Mr. Freidin?

9 MR. FREIDIN: We are going to be calling,  
10 you know, 15 or 20 panels which are going to deal not  
11 only with the Government Review and everything else,  
12 and to ask us to start going down and asking us what is  
13 going to happen nine months or 12 months from now and  
14 putting it together in a convenient package for Mr.  
15 Castrilli, in my submission, is very unreasonable.

16 MR. CASTRILLI: Mr. Chairman, with  
17 respect, I am simply talking about their memorandum.  
18 What has that memorandum done to the evidence that has  
19 already been brought before this Board.

20 THE CHAIRMAN: But, surely, this panel is  
21 not the only panel that is going to be dealing with the  
22 impact or implications out of Exhibit 5A.

23 MR. CASTRILLI: No, I wasn't suggesting  
24 that it had to be done by this panel; I am suggesting  
25 that it should be done by the subsequent panels to the

1 extent that what they are testifying on and may already  
2 have already been filed with other parties is now  
3 superseded by this memorandum and the attachments,  
4 rather than for us to guess as to what might now be  
5 different in the evidence.

6 MR. FREIDIN: I would be surprised if it  
7 didn't come out one way or the other during the  
8 evidence of the proponent, Mr. Chairman.

9 THE CHAIRMAN: Well, do I take that to be  
10 that you are going to attempt to identify the areas  
11 that have changed as a result of this?

12 MR. FREIDIN: We will identify those,  
13 yes; we will do our best to do those, and if we happen  
14 to miss one and Mr. Castrilli brings it to our  
15 attention, we will give him the answer to that too.

16 THE CHAIRMAN: Very well.

17 MR. CASTRILLI: Thank you, Mr. Chairman.

18 Q. Mr. Douglas, could I ask you a  
19 general- if I could call it this - framework question:  
20 Would you agree that environmental or, if you like,  
21 non-timber value data of the type, for example, we're  
22 talking about in Document 15, among others, is  
23 important to the success of the Ministry's integrated  
24 resource management strategy?

25 A. Yes.



1                   Q. And could I ask you generally, if it  
2 is within the area of your expertise, what  
3 environmental inventories or baseline data are  
4 necessary to achieve IRM goals, or Mr. Monzon for that  
5 matter?

6                   A. I would say that that particular  
7 information that is necessary from the various resource  
8 points of view is not in my area of expertise.

9                   Q. That is fine. Would you agree with  
10 me, though, that generally it would be necessary to  
11 have an inventory of the local or, if you like, local  
12 environmental or non-timber values to be affected in a  
13 an area by particular timber operations so that you  
14 have an idea of how your IRM strategy should be  
15 employed and what effects may result?

16                  A. Definitely you have to take into  
17 account what are the effects of various activities you  
18 are proposing.

19                  Now, in some cases those activities will  
20 or will not affect other values, so it is something  
21 that one has to look in the individual case.

22                  Q. Could you confirm for me, Mr.  
23 Douglas, that where timber management plans have been  
24 examined in Ontario with respect to their interface  
25 with non-timber uses of the forest, that the non-timber

1 values have been found to have no established  
2 quantitative cause/effect relationships?

3 A. I believe you are referring to some  
4 of the observations in Dr. Baskerville's report in  
5 terms of whether resources other than timber are  
6 managed towards any quantitative objective, I refer to  
7 the information produced by Mr. Monzon which indicates  
8 that through our approach to management we attempt to  
9 achieve particular objectives, particular targets  
10 through our various resource management activities.

11 Q. Sorry, which evidence of Mr. Monzon?

12 A. When Mr. Monzon identified there were  
13 production targets -- production objectives in the  
14 District Land Use Guidelines, those provide general  
15 direction in terms of what kind of benefits from a  
16 resource benefit is this Ministry trying to produce.

17 Q. Okay. Well, we will come back to  
18 that. You identified -- the question I asked is,  
19 generally the position that Dean Baskerville took, is  
20 it your position that he is incorrect in his  
21 conclusion?

22 A. Dr. Baskerville takes the view that  
23 it is desirable to be able to quantify and predict the  
24 impact of one activity on another activity, and  
25 certainly I agree with him, it is something that we all

1       strive to be able to do.

2                   We try to get an idea of what our  
3       objectives are, what kind of actions we should take to  
4       achieve those objectives, what is the impact of those  
5       activities on achievement of the objectives and other  
6       concerns, and plan in a way that we can quantitatively  
7       identify those relationships.

8                   It is not something that we have at our  
9       disposal in all cases, but it certainly is something  
10      that we should strive for.

11                   Q.   Mr. Douglas, if I understand your  
12      testimony correctly then, what Mr. or Dr. or Dean  
13      Baskerville was commenting on is that it is not - at  
14      least at the time of his report, is that it is not  
15      possible, despite several years', at that time,  
16      experience with IRM in Ontario to measure the  
17      effectiveness of integration of timber and non-timber  
18      management goals because quite simply we lack basic  
19      data on the environment to be affected by timber  
20      operations; is that right?

21                   A.   No, it is not to totally correct.  
22      Let me clarify it.

23                   Dr. Baskerville observed that there were  
24      no non-timber objectives within timber management  
25      plans, and that is in fact correct and that was our

1 understanding that they wouldn't be there.

2 Where those targets or objectives, if you  
3 wish, are found are at a very -- a general level at the  
4 district in the land use guidelines and in other  
5 resource management plans.

6 You will find the various objectives and  
7 targets for fisheries in the fisheries management plan,  
8 you won't find them in the timber management plan.

9 So he is right, they are not in the  
10 timber management plans, but there are in fact  
11 objectives, but they are found somewhere else.

12 Q. You are saying...

13 A. Now, in terms of the latter part, in  
14 terms of predicted capability, we, based on the  
15 recommendations of Dr. Baskerville, brought together a  
16 number of experts to identify these cause/effect  
17 relationships. I believe the results of those  
18 workshops was that it perhaps wasn't as clear to some  
19 of these other experts in moose and fisheries and  
20 whatever about what their cause/effect relationships  
21 were and they have identified a monitoring program so  
22 we could get at them, get some kind of idea what will  
23 be -- if you take action A what is the likely result B.

24 Q. Sorry, Mr. Douglas you are referring  
25 there to what, the action plan?



1                   A. Yes, that was one of the items under  
2 the action plan in which we agreed we needed to do  
3 further work.

4                   Q. Who is going to be giving testimony  
5 about the action plan results?

6                   A. I cannot identify which one of those  
7 panels it is in. Certainly it will be in later panels.

8                   Q. I understand, Dr. Armson, who is  
9 testifying on the next panel, is Manager of the Action  
10 Plan Response. Is he going to be giving testimony on  
11 it?

12                  A. I am not sure whether that is part of  
13 the history of development or whether it in fact is  
14 part of a later panel dealing with monitoring.

15                  Q. All right, fine. I'll move on.

16                  MR. FREIDIN: Mr. Chairman, the  
17 monitoring -- or the programs that determined the  
18 effectiveness of certain parts of the guidelines will  
19 be presented as part of the evidence in Package 8 which  
20 is the Ministry's framework.

21                  Mr. Armson of the Provincial Forester  
22 will be giving evidence on the next panel and probably  
23 the next -- I don't know, with the next four or five  
24 panels. he is responsible for the response to the  
25 action plan.

1                   I propose to indicate that -- have him  
2                   indicate that through his evidence and deal with those  
3                   parts of the action plan -- or deal with parts of the  
4                   action plan in the particular panels where it seems  
5                   most appropriate.

6                   THE CHAIRMAN: So you will not be dealing  
7                   with the action plan as a unit in itself?

8                   MR. FREIDIN: No, I think if we do that  
9                   then you are really mixing up evidence from a whole  
10                  slew of panel members and I think it would be more  
11                  confusing than helpful in the long-run.

12                  THE CHAIRMAN: Very well.

13                  MR. CASTRILLI: Q. Mr. Douglas,  
14                  continuing with you. Would you agree that the fact  
15                  that notwithstanding that all timber management plans  
16                  contain objectives with respect to maintaining or  
17                  increasing the non-timber uses of the forest on the  
18                  particular unit in question, the absence of basic data  
19                  on the environment to be impacted by the timber  
20                  operations or the absence of response measures for  
21                  non-timber forest uses means that it is not possible to  
22                  evaluate progress with respect to this goal?

23                  A. I am not sure that I understand your  
24                  question. Could you repeat it, please?

25                  Q. Well, wasn't it another question and

1 a conclusion of Dean Baskerville, page 9 -- pages 9 and  
2 10.

3 Doesn't he say in fact that:

4 "As these objectives are stated it would  
5 be impossible to know when they are  
6 attained, indeed they may be attained  
7 today but no one could tell, given their  
8 Ambiguous nature."

9 The bottom of page 9, top of page 10.

10 A. Well, that is the reason why we have  
11 attempted to design a monitoring program just to see  
12 what the cause/effect relationships are.

13 I believe that he is correct in the sense  
14 that being able to identify direct cause and effect  
15 would be difficult without the scientific studies we  
16 are talking about.

17 On the other hand, one could see results  
18 because, for example, one can measure changes in the  
19 moose population, increased fishery productivity, those  
20 kind of things.

21 Q. So you are essentially saying that  
22 you agree that you need to know what the environment is  
23 that is going to be impacted before you permit a  
24 cutting operation to take place in a particular area.

25 Is that your testimony?

1                   A. Only if there is a cause/effect  
2 relationship.

3                   Q. What do you mean by that?

4                   A. Well, if you take action B -- action  
5 A you have result B. Now, in some cases, you can take  
6 an action - a certain kind of timber management  
7 activity, and if it doesn't have any impact on the  
8 environment and you can show that from scientific  
9 studies or observations, there is not much point of  
10 getting into the details of it, but you would have to  
11 have some knowledge, because...

12                  Q. I am not sure I understand what you  
13 are saying when you say that.

14                  A. Well, I think you are suggesting to  
15 me that every action has an impact on the environment.  
16 I am not sure that I agree with that in the general  
17 case. In some cases there is an impact, other cases --

18                  Q. That wasn't my question. My question  
19 was: Do you need to know what the environment is that  
20 may be affected by what you are going to be doing and  
21 your answer is...?

22                  A. You need to know information on the  
23 environment, if that kind of information is necessary  
24 to determine what action you should take in that  
25 individual situation.



1 THE CHAIRMAN: But isn't that a chicken  
2 and egg argument.

3 MR. DOUGLAS: Yes, it is.

4 THE CHAIRMAN: Which comes first?

5 MR. DOUGLAS: Well, if you have  
6 scientific knowledge in terms of: If you take this  
7 timber management activity and it never has any impact  
8 on archaeological sites, there is no point in knowing,  
9 for that particular action, what the archaeoloogical  
10 sites are.

11 On the other hand, if you are going to  
12 take an action that is going to impact on  
13 archaeological sites, yes, you need that information.

14 So that is why I am hesitating to answer  
15 it in the general case. You have to look at what kind  
16 of actions are being proposed, and if those actions  
17 that you are proposing will have an impact, then you  
18 have to know what is there. If they don't...

19 THE CHAIRMAN: That presupposes that the  
20 impacts on a particular environmental resource is  
21 known, generally.

22 MR. DOUGLAS: Yes.

23 THE CHAIRMAN: From some other example,

24 MR. DOUGLAS: That's correct.

25 THE CHAIRMAN: i.e., that this kind of

1 activity will not have any impact on archaeological  
2 resources.

3 MR. DOUGLAS: Yes, that's correct.

4 THE CHAIRMAN: Period, and you can  
5 ascertain that kind of information from your  
6 experience, generally. Is that what you are saying?

7 MR. DOUGLAS: Yes. What I am trying to  
8 get at is you collect the information you need, because  
9 you don't start from square one. If there is certain  
10 activities that one is concerned that has impact, in  
11 that case, you need the information.

12 If it is scientific knowledge, experience  
13 in other jurisdictions has shown clearly that there is  
14 not an impact, either negative or positive, you don't  
15 necessarily need that information.

16 THE CHAIRMAN: That also presupposes that  
17 the environment that you are dealing with is the same  
18 as other environments.

19 MR. DOUGLAS: Yes.

20 THE CHAIRMAN: You may be dealing with a  
21 specific unique environment.

22 MR. DOUGLAS: Yes.

23 THE CHAIRMAN: This is the first one, so  
24 you do not have that kind of data.

25 MR. MARTEL: Wait, I am more confused

1       than ever, quite frankly.

2                   If I don't know what the environment is,  
3       how can I decide what I am going to do on it. I think  
4       what you are saying to me is you don't have to know  
5       what the environment is to determine that you are going  
6       to -- or am I misreading what you are telling me?

7                   MR. DOUGLAS: What I am trying to do is  
8       to identify that, whereas in general, the observation  
9       may be correct, there are some situations where you  
10      wouldn't need to go out and necessarily collect that  
11      data because you have a good idea of what are the  
12      impacts of that activity and that activity doesn't have  
13      a negative impact on that kind of environment.

14                  You need some kind of information, but it  
15      is a matter of detail.

16                  I believe we are talking about material  
17      that will be given more specifically when we talk about  
18      the activities of harvest, access roads, regeneration  
19      and tending, and I believe it will become clear when we  
20      get into those specific areas what I mean.

21                  MR. CASTRILLI: Mr. Douglas, I am  
22      talking...

23                  MR. MARTEL: I hope so because, as I say,  
24      I continue to find it difficult to comprehend going in  
25      to do something without knowing what is there. Maybe I

1 am obtuse, I don't know.

2 MR. FREIDIN: Well, Mr. Douglas,  
3 certainly correct. We will be wrestling with that  
4 particular comment directly in panel -- well, the panel  
5 dealing with activities and I think perhaps in Panel 7.

6 MR. CASTRILLI: Q. Mr. Douglas, just to  
7 be clear, I am talking about this in the context of  
8 non-timber values which you are giving evidence on. So  
9 my questions are, in fact, directed to you and I would  
10 like your opinion on the question.

11 MR. FREIDIN: Well, with respect, whether  
12 he is giving evidence on non-timber values, he is  
13 giving evidence as to the facts and if he is giving  
14 evidence on non-timber values in relation to integrated  
15 planning, that approach, they are two different things  
16 and I would suggest that he is giving evidence of the  
17 latter type and he has already indicated he is not an  
18 expert in the scientific field that you are trying to  
19 get into.

20 MR. CASTRILLI: Well, he wrote Document  
21 15 which talks about non-timber values and I am asking  
22 him questions about non-timber values.

23 MR. FREIDIN: He didn't say he wrote it.

24 MR. CASTRILLI: Q. Well, let's be clear.  
25 Did you write Document 15? Did you oversee its review?



1 You were with -- in fact, you were Director of the  
2 Policy & Planning Secretariat in 1985; weren't you?

3 A. Yes, it was prepared under my  
4 direction.

5 Q. Thank you. So you can comment on  
6 what is in it.

7 A. I can comment on the general intent  
8 and the rationale for it.

9 THE CHAIRMAN: Well, I think Mr. Freidin,  
10 perhaps we should handle it like this.

11 Mr. Castrilli asked Mr. Douglas the  
12 question, he has already commented on it generally. If  
13 you want him to comment on something more specifically,  
14 ask it specifically.

15 If he can't answer it, it is outside his  
16 sphere of expertise, say so and I do not know how much  
17 further you can go, if you can't answer the question.

18 Either you can or you can't.

19 MR. DOUGLAS: Mm-hmm.

20 MR. CASTRILLI: Q. Mr. Douglas, would  
21 you agree with me that the fundamental problem with the  
22 integration of non-timber values in Ontario Crown  
23 forests is that they are not being managed towards any  
24 measurable objective value?

25 A. I would not totally agree that that

1 is correct. There are measurable results for various  
2 resources that the Ministry manages for.

3 And those results, or those objectives,  
4 or targets are identified within the District Land Use  
5 Guidelines at the general level and you will find them  
6 in the various resource management plans, for example,  
7 fisheries.

8 Q. Would you agree that the non-timber  
9 values should be an objective for forest management  
10 design?

11 A. I think what we are talking about in  
12 the structure of this environmental assessment, we are  
13 indicating that the purpose of this assessment is to  
14 produce continuous predictable wood supply.

15 We are saying that in doing that, one has  
16 to take into account that there are other values out  
17 there and one must respect and protect those values.

18 Q. Page 12 of Exhibit 16. Isn't that  
19 the conclusion that Dean Baskerville came to, in the  
20 last paragraph on the page before the new heading:

21 "The fundamental problem with the  
22 integration of non-timber values in the  
23 cases examined is that they are not being  
24 managed towards any measurable  
25 objective level."

1                   Isn't that Dean Baskerville's conclusion?  
2           Isn't he speaking directly about something you have had  
3           oversight responsibility for since you were responsible  
4           for Document 15?

5                   A. Well, Dr. Baskerville's comments came  
6           out after Document 15 was written.

7                   Q. That's right, maybe he was talking  
8           about Document 15.

9                   A. I am not sure that he was directly  
10          referancing Document 15.

11                  Q. I think he was talking about the  
12          situation generally in MNR. But he was certainly  
13          talking about integration and he was talking about  
14          non-timber values; was he not?

15                  A. Well, both Dr. Baskerville and I  
16          agree that it would be desirable to have those  
17          quantitative relationships of cause/effect that he  
18          talks about.

19                  We have some indication of what  
20          relationships are; whether they are exactly  
21          quantitative is another matter and he is trying to  
22          achieve the ultimate, which is being able to, within a  
23          mathematical model, make these predictions.

24                  And certainly that is something that we  
25          all should be striving for.

1 Q. So you agree with Dean Baskerville's  
2 first sentence on page 12 that I just read into the  
3 record; is that correct?

4 A. I am not sure I would classify it as  
5 a fundamental problem. I would believe that an  
6 objective should be able to -- an objective should be  
7 able to predict what the impact of a particular action  
8 is and then make decisions based on that knowledge.

9 Q. So are you saying you are disagreeing  
10 with Dean Baskerville's comment or to what extent do  
11 you agree?

12 A. I would say it is a problem, but I  
13 wouldn't say it is fundamental problem. I think we  
14 would all like to have that kind of knowledge that Dr.  
15 Baskerville talks about.

16 But, in those cases where we don't have  
17 that knowledge, we are going to continue to make  
18 judgment until we get that knowledge.

19 Q. I asked you this earlier and, I am  
20 sorry, I don't recall the answer. If you will permit  
21 me, I will just ask it again.

22 Do you agree that non-timber values  
23 should be an objective for forest management design? I  
24 don't recall your answer.

25 A. What do you mean by the term,



1 "forest management design"?

2 Q. I'm using a term Dean Baskerville  
3 used on page 12. Did you understand it when you read  
4 it in your report?

5 A. I believe he is using the term in the  
6 general sense of anything that happens on a forested  
7 area.

8 We are talking here about timber  
9 management and I would say that the Ministry has a  
10 concern in terms of managing that forested land for a  
11 number of objectives.

12 In developing a timber management plan,  
13 the purpose of this undertaking is a continuous and  
14 predictable supply of wood. But in doing that, we take  
15 into account the impacts upon other values in the  
16 forest.

17 Q. Mr. Douglas, the title page of Dean  
18 Baskerville's report is called An Audit of Management  
19 of the Crown Forests of Ontario. Are you saying that  
20 Dean Baskervilles report is no longer relevant to the  
21 purposes of this environmental assessment you put  
22 before this Board?

23 A. The relationship between this  
24 document and this timber management environmental  
25 assessment is going to be clarified as we proceed.

1                   As I indicated, there was information  
2                   coming out of Dr. Baskerville's audit that has been  
3                   very useful to us and we are taking actions on a number  
4                   of items.

5                   It is not the same; the Baskerville audit  
6                   is not the same as this environmental assessment.

7                   THE CHAIRMAN: Are we not going to  
8                   hopefully try and clarify some of that on Wednesday  
9                   morning?

10                  MR. CASTRILLI: Yes. I didn't mean to  
11                  get a jump on everyone else on the motion, I  
12                  practically stumbled on to the question.

13                  Q. Can I ask you though, Mr. Douglas,  
14                  isn't in the next sentence Dean Baskerville talking  
15                  about the problem I just identified as being a problem  
16                  he saw in the timber management plans he examined?

17                  Isn't he concerned that the non-timber  
18                  values were being entered into the timber management  
19                  design as a constraint rather than being an objective  
20                  or a central objective in the forest environment?

21                  Are you saying Dean Baskerville has got  
22                  it wrong?

23                  MR. DOUGLAS: A. I am saying that  
24                  attitude of the Ministry of Natural Resources is they  
25                  don't enter in as something that are secondary, it is

1 just that the way that this process is designed, that  
2 the purpose of the undertaking is the continuous and  
3 predictable wood supply.

4 So that in terms of the way it is  
5 approached you first of all look at what the objectives  
6 for that program are and then you take into account  
7 others.

8 When you develop a fisheries management  
9 plan you start off with trying to achieve fisheries  
10 objectives and that may mean taking into account what  
11 you are trying to do from a timber point of view.

12 So what is primary or secondary depends  
13 on the plan you are looking at, but it doesn't mean  
14 that either one of those plans can ignore or give a  
15 lower priority to considerations of effects.

16 Q. Isn't that exactly what Dean  
17 Baskerville says is lacking in the timber management  
18 plans he examined?

19 A. I am not sure that that is the way I  
20 read the document.

21 Q. Wasn't that what it says in the  
22 second sentence on that paragraph?

23 A. Dr. Baskerville was concerned in  
24 terms of the way he read the material that some of  
25 these other values were not viewed in the proper

1 context.

2 And, I agree that the proper context is  
3 that you try to look at what you are trying to achieve  
4 from one point of view and take other points of view  
5 into account.

6 Dr. Baskerville is essentially talking  
7 from a fairly technical point of view, from a inner  
8 programming model approach and I guess it is somewhat  
9 academic, how you enter those variables in the  
10 equation, as long as you give each of them proper  
11 attention as you go through that planning process.

12 Q. Mr. Douglas, can I ask you then: is  
13 the timber management environmental assessment you have  
14 filed basically going to do what Dean Baskerville  
15 indicates in the first part of that second:

16 "It is going to basically enter  
17 non-timber values into the management  
18 process as constraints to the timber  
19 management design and do no more than  
20 that?"

21 A. I don't think that that is a proper  
22 way of looking at it.

23 Q. Isn't that what you are saying,  
24 though, because you don't want to include the last part  
25 of that sentence in the purposes of this environmental



1 assessment; isn't that correct?

2 A. That sentence being...?

3 Q. The rest of the sentence being:

4 "...and not as part of an

5 objective for forest management design."

6 You don't want to deal with the

7 environment in terms of an objective for forest

8 management design, is that correct?

9 A. An objective for timber management  
10 design. So I believe we are getting into this  
11 distinction, Mr. Chairman, between forest management  
12 and timber management.

13 THE CHAIRMAN: Well, I feel really, Mr.  
14 Castrilli, we should leave this until Wednesday,  
15 because there is going to be a number of parties, I  
16 would think, that are going to want to comment on this  
17 particular issue.

18 MR. CASTRILLI: That is fine, Mr.  
19 Chairman. I actually had finished my questions on that  
20 page.

21 Q. Could you confirm for me, Mr.  
22 Douglas, that a further potential problem -- well, hold  
23 on.

24 Maybe in light of your comments I need  
25 one moment.

1 THE CHAIRMAN: We would be planning to  
2 take about a 15-minute break around five. If this  
3 would be more convenient, we can do it now.

4 MR. CASTRILLI: That would be, thank you.

5 THE CHAIRMAN: Very well. We will be  
6 back in 15 minutes.

7 ---Recess at 4:55 p.m.

8 ---Upon resuming at 5:20 p.m.

9 THE CHAIRMAN: Thank you. Be seated,  
10 please.

11 ---Discussion off the record

12 THE CHAIRMAN: Mr. Castrilli, we are  
13 going to hopefully plan to end this session for today  
14 shortly after 6:30, if you could work around that.

15 MR. CASTRILLI: Over the break I was able  
16 to eliminate two questions.

17 THE CHAIRMAN: So we should be able to  
18 finish off with you by the end of tomorrow, at some  
19 point?

20 MR. CASTRILLI: Actually, at the end of  
21 the day I will be able to give you some indication of  
22 how long I will be tomorrow.

23 THE CHAIRMAN: Very well.

24 MR. CASTRILLI: Thank you.

25 Q. Mr. Douglas, continuing with you, can

1       you confirm for me that a potential problem on FMAS  
2       lies in the manner in which non-timber values are taken  
3       into account by logging company personnel?

4               MR. DOUGLAS:  A.  I'm not aware of what  
5       you are referring to.

6               Q.  Isn't it the case that a common  
7       response from companies is that they have no role in  
8       non-timber use or values?

9               A.  They don't have responsibilities to  
10      deliver the fisheries or moose program in the Ministry,  
11      that's correct.

12              Q.  Wasn't what I just asked a problem  
13      that Dean Baskerville also observed?

14              A.  Dr. Baskerville made some  
15      observations.  I am not sure if it is actually the way  
16      you characterized it.

17              Q.  Page 63, the third paragraph:

18              "A potential problem--"

19      I'm sorry, do you have the page?

20              A.  (Nodding affirmatively)

21              Q.  "A potential problem on the FMAS lies  
22      in the manner in which non-timber values  
23      are taken into account, the common  
24      response from a company person on this  
25      issue was that the company has no role in

1 other uses."

2 Would you agree that's a problem?

3 A. That type of attitude is a problem.

4 Q. Would you agree that the principle of  
5 integrating the management of timber and non-timber  
6 values is essential to the concept of timber  
7 management?

8 A. When you are undertaking timber  
9 management you must take into account impacts and other  
10 uses.

11 Q. So the answer to my question is  
12 "yes"?

13 A. I am not sure that I remember the  
14 exact words.

15 Q. I can repeat it, if you like.

16 A. Sure.

17 Q. Would you agree that the principle of  
18 integrating the management of timber and non-timber  
19 values is essential to the concept of timber  
20 management?

21 A. Yes, in the sense that I indicated  
22 it.

23 Q. And what sense was that?

24 A. That one must take into account the  
25 impact on these other uses, other values.



1 Q. And would you confirm that it would  
2 be wise to design the effects on timber operations on  
3 non-timber values directly into timber management  
4 plans?

5 A. Well, I guess the question is: What  
6 do you mean by direct? I think you have to take into  
7 account the effects of timber management on other  
8 values, and I believe our process does that.

9 I don't think that I am the person to get  
10 into the details of exactly how that happens, that will  
11 be described by Panel 15.

12 Q. But you are giving testimony on the  
13 integration of non-timber values.

14 A. Yes.

15 Q. So you can't answer the question?

16 A. I am suggesting that there is a  
17 process in place which facilitates that.

18 Q. I'm sorry, and where is that?

19 A. That's the timber management planning  
20 process, in particular, the area of concern process  
21 will be described by Panel 15.

22 Q. Okay. But, in general, you would  
23 agree that it would be wise to do so; is that correct?

24 A. You have to take all these various  
25 values into account before you make particular

1 decisions, yes.

2 Q. And place them into the timber  
3 management plans?

4 THE CHAIRMAN: Well, what do you mean by  
5 placing them in the plans?

6 Do you mean describing the effects in the  
7 plans or taking them into account in formulating the  
8 plans?

9 MR. CASTRILLI: I think it would have to  
10 be reflected in the plan itself and that's, I think,  
11 the sense in which Dean Baskerville means it.

12 Perhaps I can -- I can probably clarify  
13 it for you, perhaps, by referring you to page 72 of the  
14 Baskerville.

15 Q. The best place to begin this question  
16 is the way I put it to you earlier. Dean Baskerville  
17 at page 71 says:

18 "That the principle of integrating the  
19 management of timber and non-timber is  
20 essential to the broad concept of forest  
21 management."

22 I asked you the question in relation to  
23 timber management and you said yes. And over onto page  
24 72 he states:

25 "It is, therefore, wise to design these

1 effects on timber/non-timber values into  
2 the timber management plan."

3 I presume you will agree with that; is  
4 that correct?

5 A. You would have to take those into  
6 account in developing the actual activities and  
7 prescriptions that are in the timber management plan.

8 Q. Take into account, that's the  
9 response -- or the part of your response I am having  
10 difficulty with it. What do you mean when you say  
11 'take into account'?

12 A. What I mean is that if you are  
13 proposing in a plan to undertake a certain activity and  
14 that activity has an effect on something, before you  
15 decide what activity you are going to undertake and  
16 how, you have to understand what its implications are  
17 and design your activity accordingly.

18 If, in fact, it has a positive effect,  
19 well that's great. If it has a negative effect then  
20 you would have to make some adjustments in that  
21 prescription.

22 Q. So if -- what I understand you are  
23 saying is that it is important to consider the effects  
24 of timber operations on non-timber values?

25 A. Certainly.

1 Q. Is consideration enough?

2 A. Well, consideration is the first  
3 step, and based on that consideration, there is  
4 appropriate actions and those actions will be  
5 identified in the plan.

6 Q. So if the plan did not define the  
7 actions, the plan would be deficient?

8 A. Not necessarily. I guess there is a  
9 difference of opinion of what a plan should be. I  
10 think we see a plan as an outline of action items to be  
11 taken. The background documentation would indicate  
12 some of that analysis that went on.

13 We have had concerns over the years that  
14 people pick up a plan and they can't clearly and  
15 quickly determine what actions are to be undertaken.

16 So I am not saying that you don't take  
17 these things into the account and do these analyses, I  
18 am just saying the plan should state what you are to do  
19 after the results of all that analysis takes place.

20 THE CHAIRMAN: Does the plan have to  
21 describe what the analysis was, the raw data going into  
22 the analysis, the analysis itself, or is it sufficient  
23 for the plan to do all of that and then just describe  
24 the action to be taken?

25 MR. DOUGLAS: Well, I would think the



1 plan itself should describe the actions to be taken.

2 Now, in terms of the analysis - and I  
3 believe we are getting into the process as described  
4 under Panel 15, and I am not an expert in that  
5 particular process and exactly how it works - but I can  
6 say that it is designed to do the analysis to indicate  
7 what kind of data is taken into account in arriving at  
8 that decision.

9 So it is there -- it is normally, I  
10 believe, considered part of the background  
11 documentation as opposed to being part of a plan  
12 itself, and that's why I am making this distinction.

13 MR. CASTRILLI: Q. So if I understand  
14 your testimony correctly, consideration is not enough,  
15 you have got to go further and deal with the actions to  
16 be taken; is that correct?

17 MR. DOUGLAS: A. If those are going to  
18 have particular negative effects; yes, you have to take  
19 those into account.

20 Q. Would you go further and say that not  
21 only do you have to consider and actually deal with the  
22 actions to be taken, but you also have to determine the  
23 impacts to see if they were what you expected?

24 A. There has to be a monitoring program  
25 in place to take into account what happens. It doesn't

1 necessarily have to be on a site-specific basis, as  
2 long as you're, through practice, gaining an  
3 understanding of what those cause/effect relationships  
4 are.

5 Q. So you say it doesn't have to be done  
6 on a site-specific basis. What does that mean?

7 A. Well, I guess we are talking about  
8 the distinction between effective and compliance  
9 monitoring, which is part of Panel 16. So in terms of  
10 the specifics about monitoring, I would refer you to  
11 that panel.

12 Q. There was one document I failed to  
13 mention at the outset that I was going to be dealing  
14 with, and that is Exhibit 4, the Class EA.

15 Do you have that before you?

16 A. That's the Class EA itself?

17 Q. Yes. Sorry, page 101. I believe  
18 Mr. -- I am sorry, are you there yet?

19 A. Mm-hmm.

20 Q. I believe, Mr. Douglas, this is one  
21 of the two pages of text that are the subject matter of  
22 this panel; is that correct?

23 A. Well, I think this panel gives the  
24 Board some description of the Ministry's overall  
25 management philosophy, its management system, and its

1 organizational structure which will be helpful to it in  
2 arriving at its decision.

3 So I wouldn't say that we are just here  
4 to talk about this one page.

5 Q. In terms of the Environmental  
6 Assessment Document and the outline you provided to the  
7 parties and the Board, is it not correct that this is  
8 one of two pages in the Class EA Document?

9 A. This refers to some of the more  
10 specific information we were trying to make available.

11 Q. But it is only the Class EA that's  
12 being sought for approval; is that right, not the  
13 attachments to your Panel 1 evidence; is that correct?

14 A. We are trying to provide some  
15 background for the Board to understand what we mean by  
16 timber management and how it fits into our overall  
17 framework.

18 MR. FREIDIN: Just so there is no doubt  
19 about it, the proponent is relying not only on the  
20 Environmental Assessment Document, but all the evidence  
21 at this hearing including things that are attached to  
22 the witness statements.

23 MR. CASTRILLI: That wasn't my question  
24 either.

25 Q. My question was: You are seeking

1 approval for the contents of the Environmental  
2 Assessment Document and not what is attached to your  
3 evidence?

4 THE CHAIRMAN: Ah, but hold on a second.  
5 The Board has interpreted in the past - and I think it  
6 will probably interpret in the future - that the  
7 environmental assessment is basically a process, and  
8 the process includes not only the documentation before  
9 the Board in terms of the EA itself, but any other  
10 documentation or oral testimony that is in evidence;  
11 i.e., admitted by the Board. It is an overall process.

12 And the rationale for that is essentially  
13 that the Board, in making its decision, should not be  
14 restricted necessarily to a point in time which may be  
15 three or four years prior to when the hearing itself is  
16 actually being held.

17 MR. CASTRILLI: Just so I am clear, I  
18 hope I wasn't being misunderstood, perhaps I was.

19 Actually, I hadn't even meant to get into  
20 this line of questioning until the answer erupted.

21 Mr. Douglas testified earlier that the  
22 many guidelines, et cetera, that he had referred to  
23 were not the subject of an approval before this Board  
24 and I believe that was his testimony.

25 THE CHAIRMAN: That may be the case, but



1       what --

2                       MR. CASTRILLI:  Many of those -- or some  
3       of those documents are attached, for example, to Panel  
4       No. 1.

5                       THE CHAIRMAN:  Right.  And they may or  
6       may not be the subject of what this Board is going to  
7       approve or not approve.

8                       All I am saying is, is that we are not  
9       just restricted to the EA Document as submitted to the  
10      Minister originally.  We also believe we can look at  
11      any evidence that is adduced before this Board, in  
12      addition to the EA Document itself, in arriving at our  
13      decision which, of course, has to be restricted to what  
14      is before us.

15                      MR. FREIDIN:  If I might just add, so  
16      there is no misunderstanding as to the proponent's  
17      position.

18                      The undertaking is what the Ministry is  
19      seeking approval for and the undertaking has been  
20      defined as the four activities occurring in a certain  
21      fashion as set out quite clearly on the page read in  
22      by -- or referred by Mr. Monzon at the end of his  
23      evidence.

24                      THE CHAIRMAN:  As further discussed on  
25      Wednesday -- as to be further discussed on Wednesday,

1 let's put it that way.

2 MR. CASTRILLI: Q. Just generally on  
3 that page of the EA Document, Exhibit 4. Would it be  
4 fair to say that MNR seeks to obtain optimum benefits  
5 from the forest?

6 MR. DOUGLAS: A. As we define the  
7 forest.

8 Q. How do you define the forest?

9 A. An area with trees on it.

10 I am not trying to be facetious, Mr.  
11 Chairman, but obviously there is a difference in our  
12 definition of forested land and this activity called  
13 timber management for which we are seeking approval.

14 We use the term forest or forested land,  
15 as I stated, treeed land.

16 Q. Okay. Would you agree, though, that  
17 the approach that is currently being used by MNR is not  
18 achieving an optimum with respect to all forest values?

19 A. I think, Mr. Chairman, in this line  
20 of questioning, unless we have a common definition of  
21 forest, I could be confusing you and everybody else  
22 here.

23 My understanding of what we are seeking  
24 approval for is what was identified by Mr. Monzon.

25 MR. CASTRILLI: I am not asking questions

1 about the subject matter of the motion, I am not sure  
2 why the witness wants to answer them in that context.  
3 I am asking a very straight question.

4 If he wants to define what he means by  
5 forest values, that's fine. I am still talking about  
6 the issue of integrating non-timber values, which is  
7 clearly within the subject matter of this witness'  
8 testimony. I have no wish to talk about the subject  
9 matter of Wednesday's motion.

10 THE CHAIRMAN: Okay. Why don't you put  
11 your question once again and you give it an answer, if  
12 you can, Mr. Douglas, using whatever interpretation you  
13 want to put on the words being used.

14 MR. DOUGLAS: Okay.

15 MR. CASTRILLI: Q. And if you want to  
16 begin by defining what you mean by forest values in  
17 response to my question, you can do that, but let me  
18 restate the question so you are clear on what it is.

19 Would you agree or would you not agree  
20 that the approach currently used by MNR is not  
21 achieving an optimum with respect to all forest values?

22 And if you want to begin by answering  
23 that question by defining what you mean or understand  
24 forest values to be, that's fine.

25 MR. DOUGLAS: A. Well, first of all, I

1 would identify a forest as a treed landscape and by  
2 that definition I would not imply that there would  
3 necessarily be any timber operations on it whatsoever.

4 I could include the forest, if you want  
5 to use it in those terms, as being an area in a  
6 provincial park in which there is no logging permitted  
7 or contemplated.

8 So if you accept that definition of a  
9 forest as having not necessarily anything to imply  
10 timber management, as we define here, then I would say  
11 that the Ministry seeks to optimize the benefits from  
12 that forested area, and those values can range from  
13 people liking to take a walk in the woods, to  
14 management of moose, to a whole range of things that  
15 happen in forested lands.

16 Q. Mr. Douglas, just so we are clear, I  
17 was not asking you the question in the context of  
18 parks, I was asking it in the context of Crown forests.

19 I believe they are the subject matter of  
20 this undertaking, or that's where the undertaking takes  
21 place. So that's the context in which I meant it --  
22 that's the context in which I meant the question. I am  
23 not clear on what your answer is.

24 THE CHAIRMAN: I am not clear what the  
25 question is. I am not being facetious either.



1 I understand the question, but if he  
2 wants to interpret it using his definition of forest,  
3 why can't he answer it in that context?

4 MR. CASTRILLI: Well, the one caveat to  
5 my question is it does deal with Crown forests and so  
6 it would not be a responsive answer to start talking  
7 about parks as he did.

8 MR. DOUGLAS: Well, parks can be Crown  
9 forests.

10 MR. CASTRILLI: Or other areas.

11 Q. Let me go on, maybe this will become  
12 clearer, but I would like an answer to that question.

13 Would you agree that because non-timber  
14 values are stated in fuzzy qualitative fashion, there  
15 is no defined best mix that can be used as a measurable  
16 target?

17 A. If you are talking about optimization  
18 in the mathematical operations research jargon, you are  
19 correct.

20 Q. I am talking about it in the jargon  
21 that was used by Dean Baskerville, it is his comment.

22 A. He was using --

23 Q. Do you agree or disagree?

24 A. He was using it in the term of a  
25 mathematically defined terminology and, in that case,

1 without having the cause/effect relationship known, it  
2 is physically impossible to define optimization.

3 Q. Do you agree with Dean Baskerville's  
4 assessment, yes or no?

5 A. In the sense that Dean Baskerville is  
6 using optimization in a mathematical sense which  
7 requires certain cause/effect relationship, he is  
8 correct.

9 In terms of our definition of  
10 optimization of giving the best mix of benefits, I  
11 think that certainly that's what we are trying to  
12 achieve, and as we get more mathematical definitions we  
13 can get maybe a crisper definition of what that best  
14 mix is.

15 So we are reflecting a difference in  
16 knowledge and, at this present time we are not talking  
17 about any difference in what Dr. Baskerville would like  
18 to do and what the Ministry would like to do.

19 Q. But Dean Baskerville is clearly  
20 saying that there is in fact no defined best mix; is he  
21 not?

22 A. Yes.

23 Q. Isn't that what he is saying?

24 A. Yes, he is saying that that's not  
25 possible without knowing these mathematical

1 relationships, and that's why, in fact, we are trying  
2 to develop those programs to see what these  
3 relationships are.

4 Q. And would you agree that because of  
5 the absence of measurable cause and effect  
6 relationships, non-timber values are achieved by  
7 applying constraints to timber values rather than as  
8 part of a combined objective function?

9 A. Well, again, we are talking about  
10 very mathematical terms. I would say that the Ministry  
11 seeks to achieve a variety of objectives on the forest  
12 in the broadest sense of the term and, in some cases,  
13 that's going to require qualitative judgments and, in  
14 fact, we do do that.

15 Our desire would be to make those  
16 assessments crisper and better over time and we will  
17 seek to do that.

18 Q. Let me put it this way: Would you  
19 agree that the isolation of timber management planning  
20 from non-timber values means that these other  
21 non-timber values can only enter timber decisions which  
22 are the driving force in the forests, as far as I can  
23 tell, as constraints and not as part of the essential  
24 objective?

25 A. Only if you define the algorithm in a

1 specific way, and I guess we are talking about  
2 something that's quite technically and mathematically  
3 defined.

4 The important thing is: How do you look  
5 at these things, and we have identified that we take  
6 all these things into account. We have structured this  
7 environmental assessment to focus on purpose, which is  
8 my understanding of the way you are supposed to prepare  
9 an environmental assessment.

10 We do take into account the effect on  
11 these other values and just because the way that you  
12 define a purpose in one way, doesn't demean any other  
13 things that you take into account in arriving at a  
14 decision.

15 Q. So the answer is: You do not agree  
16 with Dean Baskerville's assessment; is that right?

17 A. If we talk about --

18 THE CHAIRMAN: Well, hold on a second.  
19 Let's maybe cut this a bit shorter instead of going  
20 around in a circle again.

21 Dean Baskerville has made a statement  
22 which has been read into the record; you have indicated  
23 that if you interpret his statement in the light of  
24 certain mathematical theories, you would agree with  
25 that?



1 MR. DOUGLAS: Yes.

2 THE CHAIRMAN: But you have also  
3 indicated I think, that MNR hasn't done that.

4 MR. DOUGLAS: That's right.

5 THE CHAIRMAN: And, therefore, I think it  
6 would follow logically that you - at least from MNR's  
7 point of view - do not agree with the statement, given  
8 the methodology that you have used?

9 MR. DOUGLAS: Yes.

10 THE CHAIRMAN: Had you used his  
11 methodology, you might agree with the statement?

12 MR. DOUGLAS: That's correct. And I am  
13 saying that we will strive to be able to use his  
14 methodology in the future, but that's going to be some  
15 time off.

16 THE CHAIRMAN: So at this point in time,  
17 using the methodology that MNR uses, you would disagree  
18 with his statement because you have not used his  
19 methodology?

20 MR. DOUGLAS: That's right.

21 THE CHAIRMAN: Does that help you at all?

22 MR. CASTRILLI: Thank you.

23 Q. Mr. Douglas, if I suggest to you that  
24 the absence of a technically sound approach to  
25 integration of timber and non-timber values in

1 Ontario's forests, Crown forests, is a serious problem;  
2 would you agree?

3 MR. DOUGLAS: A. I believe that we need  
4 to have a sound way of taking into account these other  
5 values, yes.

6 Q. Would you agree it is a serious  
7 problem?

8 A. I am not sure it is a serious  
9 problem; it is something that we have to come to grips  
10 with and continually strive to improve.

11 Q. You are not sure it is a serious  
12 problem. Do you know whether Dean Baskerville thought  
13 it was a serious problem?

14 A. Certainly from his perspective, we  
15 should always be striving to do this in a mathematical  
16 way, as we have just discussed. Whether that's the  
17 only way one does it, is another question.

18 Q. Would you agree that this is going to  
19 require considerable change in the timber management  
20 system if the desired level of integration that I  
21 presume you want is to be achieved?

22 A. I think we have a process which is  
23 capable of taking these other values into account and  
24 that with increasing knowledge over time we will be  
25 able to do it better and better into the future.

1 Q. And this process was in place when,  
2 what year, excuse me?

3 A. It started in -- plans started in  
4 '85 -- no, in '86. So Dr. Baskerville did not look at  
5 any plans that had been prepared under the proposal  
6 that we are bringing to this Board.

7 1985 was when the document was presented.  
8 We attempted to get that into the planning cycle that  
9 started April 1st, 1986 and those plans go for a full  
10 year.

11 Dr. Baskerville reported, I believe,  
12 about the 1st of August in '86.

13 Q. You are saying you are going forward  
14 with a process concurrently with the action plan, or  
15 notwithstanding the action plan hasn't been completed  
16 yet?

17 A. When the action plan was undertaken,  
18 we also were under a ministerial commitment to have a  
19 class environmental assessment into the Ministry of the  
20 Environment by December '85, which we did.

21 There was a subsequent commitment made, I  
22 believe, almost at the same time that there would be  
23 the audit by Dr. Baskerville.

24 We did not want to delay the submission  
25 of the environmental assessment; in fact, the direction

1 was to get it in as soon as we could.

2 We, as I indicated earlier, reviewed the  
3 environmental assessment in light of Dr. Baskerville's  
4 conclusions and we made certain amendments in December  
5 of 1987 to take into account what we thought at that  
6 point in time we could take into account in the sense  
7 of how far items under that action were proceeded.

8 Q. So if I understand your testimony  
9 correctly, the December -- I am sorry, it is June,  
10 1987; isn't it, the current EA?

11 A. Yes. There was two versions; yes.  
12 the first one was in '85 and Baskerville reported in  
13 '86. We reviewed some of the concerns identified by  
14 Dr. Baskerville and we made certain amendments in June  
15 '87.

16 Q. So you are saying the Class EA dated  
17 June, 1987 in fact takes into account the concerns of  
18 Dean Baskerville?

19 A. They take a number of concerns into  
20 place. They also identify future actions that are  
21 being proposed to be undertaken to deal with some of  
22 the issues that he raised, including this question of  
23 integration, optimization and cause/effect.

24 These all -- all these items relate one  
25 to another. You cannot not optimize unless - in the



1 mathematical sense that Dr. Baskerville uses - unless  
2 you have specific quantitative cause/effect  
3 relationships.

4 So we are seeking to get a better handle  
5 on that and we will be able to make better decisions as  
6 new data becomes available.

7 Q. Mr. Douglas, I believe we began  
8 earlier to talk about the subject of, generally,  
9 environmental inventories and baseline data as being  
10 necessary to achieve your integrated resource  
11 management goals, and I believe you generally indicated  
12 that you agreed with me - but you can confirm if you  
13 don't - that certain information was necessary in the  
14 context in which you have characterized it.

15 I am wondering whether you would agree  
16 with me that there is a body of opinion out there which  
17 would argue that more environmental inventory  
18 information may be necessary for IRM to succeed than  
19 what you have indicated may be necessary.

20 Are you aware of that other body of  
21 opinion?

22 A. I think no matter what kind of  
23 planning you are talking about, there is always people  
24 who call for more information; whether it is on the  
25 supply side, whether it is on the demand side, whether

1 it is on the effect of particular actions.

2 It is certainly my understanding in other  
3 areas, such as water management, where I probably have  
4 more experience, that this is the case. I think it  
5 reflects on the part of people wanting to be able to  
6 make better decisions in the future.

7 Q. And you would confirm for me, I  
8 presume, that you have previously indicated that MNR  
9 had no intention of producing environmental baseline  
10 data for a geographic area beyond that pertaining  
11 moose, fish and tourists; is that correct?

12 A. The moose, first and tourism areas  
13 identified are across the province. The Ministry has  
14 stated that in cases, where specific values which may  
15 not be province-wide are needed, they are available.

16 Q. The answer to my question, however?  
17 Have you previously indicated that MNR had no intention  
18 of producing environmental baseline data beyond moose,  
19 fish and tourists?

20 A. I don't believe that is what the  
21 environmental assessment document says. I believe it  
22 said that it would use a variety of available  
23 information.

24 Q. I actually wasn't referring to the  
25 environmental assessment document, I was referring to a

1 letter you wrote in December 1987, found at Exhibit 5,  
2 page 248.

3 Mr. Douglas, you sent a letter to a Mr.  
4 Balfour on that date, and I believe Mr. Balfour is a  
5 planner with the Ministry of the Environment and that  
6 letter is reproduced at pages 248 to 251.

7 And if you look at the bottom of the page  
8 248, under the heading 1(b), generally you are  
9 responding to a memo that he had sent you in October,  
10 1987 which I am going to go to in a moment, it has the  
11 same heading, 1(b).

12 Actually, I would like to take you to  
13 that other letter first at page 161 so that the context  
14 is understandable.

15 Page 161 is a letter or memorandum from  
16 Mr. P. Joseph to a W. Green, both with the Ministry of  
17 Environment, and would you agree that on page 161 the  
18 points that are essentially being made by the Ministry  
19 under the heading of 1(b) are first that:

20 "The minimum inventory information  
21 referred to by MNR with respect to fish,  
22 moose and tourist values in the Class EA  
23 does not provide direction on what these  
24 minimum information requirements are";

25 and secondly:

1 "The Class EA needs to define a minimum  
2 inventory information required to ensure  
3 there will be sufficient data available  
4 to specifically identify and address  
5 MOE areas of concern for each timber  
6 management plan beyond fish, moose and  
7 tourists."

8 Is that the sum and substance of Mr.  
9 Joseph's memo on that date?

10 A. That is generally the statement.

11 Q. Thank you. Now, on page 248, your  
12 response to his memo, I believe is contained, as I  
13 indicated earlier, under the heading of 1(b) -- sorry.

14 And before I actually take you to that  
15 paragraph, would you agree, therefore, that the  
16 Ministry of Environment's letter is concerned about the  
17 need for the production of adequate baseline data on  
18 other or additional non-timber values?

19 A. There was a concern that there be  
20 adequate information feeding into that area of  
21 concerned planning process that MNR is proposing to  
22 undertake.

23 Q. Beyond fish, moose and tourists; is  
24 that right?

25 A. Yes. It was not an intent to be



1 restricted to that, and I guess the distinction I am  
2 making is that there are specific pieces of information  
3 associated with the application of those guidelines.

4 Now, I refer you to page 13 of 5B which  
5 was the addendum sent to MOE on May 5th, and in that we  
6 have provided a list of the kinds of natural resource  
7 features, resource uses and values...

8 Q. That is Attachment 2, for the record?

9 A. Yes, that's correct.

10 Q. We will be getting to that, Mr.  
11 Douglas.

12 A. What I am saying is that --

13 THE CHAIRMAN: Excuse me, what is 5B  
14 again?

15 MR. FREIDIN: I think it is 5A.

16 MR. CASTRILLI. 5A.

17 THE CHAIRMAN: 5A.

18 MR. DOUGLAS: The material that Mr.  
19 Campbell filed this week -- or last week.

20 There was a question with MOE of what  
21 information would be taken into account in the area of  
22 concerned planning process. The resolution of that,  
23 the discussion -- is the fact that we have prepared a  
24 list of information that would be taken into account at  
25 the time of the development of a timber management plan

1 and we have provided this list as a way of resolving a  
2 concern that MOE identified.

3 MR. CASTRILLI: Q. Can you confirm for  
4 me that on December 3, 1987, you advised the Ministry  
5 of Environment that it was not MNR's intention to  
6 establish specific provincial requirements for the  
7 collection of minimum levels of information except for  
8 fish, moose and tourists which you already had  
9 guidelines for.

10 Isn't that the sum and substance of the  
11 bottom of page 248 under the heading 1(b)? Isn't that  
12 the thrust of your letter of that date?

13 A. Yes, on a province-wide basis, but  
14 again, the issue came back to what kind of information  
15 would be available in producing a timber management  
16 plan. And what we have identified is that there would  
17 be certain information in respect to those fisheries  
18 and moose guidelines, but that was not an intent to be  
19 restrictive.

20 There was all kinds of information that  
21 would be fed into the planning process and, as I  
22 indicated, those pieces of information are identified  
23 in Attachment 2 of the letter from the Deputy and  
24 myself to MOE which was acknowledged by Mr. Balfour and  
25 their Deputy as well.

1                   So there was an issue in terms of what  
2                   kind of information you start this process from and,  
3                   yes, there will be the minimum information for moose  
4                   and fisheries and we are developing very specific  
5                   descriptions of what that is, and that will occur  
6                   wherever there is timber management.

7                   There are other pieces of information  
8                   which will also be taken into account, but these things  
9                   tend to be more site-specific. You won't necessarily  
10                  find all of this stuff, all these pieces of information  
11                  in every management unit in the province.

12                  Q. Let me take you to Exhibit 5A since  
13                  you are there. On page 8, that would be the page  
14                  number at the bottom of the page, and under the heading  
15                  of 1(b) - do you have that, Mr. Douglas - otherwise it  
16                  would be known as page 2 of your memo, but I don't want  
17                  to confuse the record by referring to two different  
18                  page numbers.

19                  Do you have it?

20                  A. Yes.

21                  Q. Under that heading you indicate that  
22                  the types of information to be collected are referenced  
23                  in the list referred to in 1(a); is that right?

24                  A. Mm-hmm.

25                  Q. Now, if we turn to 1(a), which is on

1 page 7 -- do you have that?

2 A. Mm-hmm.

3 Q. Isn't it true that all you say in  
4 paragraph 1(a) of the May 5th, 1988 memorandum - also  
5 known as Exhibit 5A, page 7, and exhibit -- excuse me,  
6 and Attachment No. 2, which you were referring to  
7 earlier, which is on page 13 of Exhibit 5A - is that  
8 the lists will be required in MNR training sessions;  
9 isn't that correct?

10 A. Yes, and finish that sentence:

11 "The list will be used by MNR in a  
12 training session dealing with timber  
13 management planning and will serve as a  
14 minimum check list of the type of  
15 information normally assembled as part of  
16 the background information for planning."

17 And that reference is made to the attachments.

18 Q. That's right. Can you confirm for me  
19 that nowhere in your May 5 memorandum do you commit the  
20 MNR to amending the Class EA to require the use of the  
21 list?

22 A. As I indicated earlier, the details  
23 of how this planning process is going to fit together,  
24 the detail as part of Panel 15, and that is -- how this  
25 list is used in that planning process will be given as



1 evidence and, as the Chairman has indicated, if it goes  
2 on the record that way, it is part of what goes into  
3 the decision in respect to this Class EA. So whether  
4 it is in the document or not, I am not sure is  
5 particularly relevant right now.

6 We have attempted to resolve these  
7 differences and try to come up with a common  
8 understanding of what is expected and that, in this  
9 particular case, didn't happen until May 5th, so  
10 obviously we didn't amend the EA Document.

11 Q. Well, then, your answer to my  
12 question must be that there is no commitment in this  
13 memorandum to amending the Class EA. Isn't that  
14 obvious?

15 A. There is no commitment to amending  
16 the Class EA--

17 Q. To the prior uses --

18 A. --but, obviously, we are giving  
19 evidence to this Board in this respect, and I  
20 understand that giving evidence to this Board in terms  
21 of our commitments holds as much weight as what happens  
22 to be in the other document that we referred to.

23 Q. So I gather you would not have any  
24 objections to a condition of approval by this Board  
25 that the use of the list be incorporated into the Class

1 EA should you receive an approval; is that correct?

2 A. There would be -- depending on the  
3 wording of how that went in, in terms of just what was  
4 expected and whether that took into account differences  
5 in that some of these items are site-specific and would  
6 not be found in all management units in the province.

7 Q. Let's turn to the list, which is  
8 Attachment 2, which is also at page 13.

9 Mr. Douglas, could you confirm -- I am  
10 sorry, do you have the list?

11 Can you confirm for me that page 13 of  
12 Exhibit 5A, which deals with the list itself, clearly  
13 indicates that the list only represents existing  
14 information which is normally available for any  
15 management unit?

16 Isn't that what it says in the paragraph?

17 A. Which paragraph are you...?

18 Q. I am sorry, paragraph 3 on Attachment  
19 2.

20 A. Mm-hmm.

21 Q. On page 13.

22 A. Mm-hmm.

23 Q. I don't believe the court reporter  
24 can record an mm-hmm. Could you say yes. Do you mean  
25 "yes"?

1                   A. I have read that. Yes, I am reading  
2                   that paragraph. Do you want me to repeat the  
3                   paragraph?

4                   Q. Well no, no, I just want you to  
5                   answer the question.

6                   Isn't it clear that paragraph 3 indicates  
7                   that the list only represents existing information  
8                   which is normally available for any management unit?

9                   A. It says the list represents a type of  
10                  existing information which is normally available in any  
11                  management unit in the province.

12                  Q. So the answer to my question is yes;  
13                  is that right?

14                  A. Yes, that is what the statement says.

15                  Q. Thank you. Would it be fair to say  
16                  that Attachment 2 does not contain any commitment to do  
17                  complete inventories of flora and fauna since it is  
18                  merely a listing of existing information?

19                  A. There is no specific commitment  
20                  there.

21                  Q. Is there a general commitment?

22                  A. I believe that the commitment is in  
23                  respect to the area of the concerned planning process  
24                  and the fact that if there is values identified of  
25                  concern, then the adequate information is taken into

1 account in arriving at any prescription, and that may  
2 involve a reserve.

3 Q. I am sorry, it may...?

4 A. That may resolve -- may result in a  
5 reserve which means no cutting at all.

6 Q. Just so that I am clear, is it your  
7 testimony - and was it the burden of this memorandum,  
8 which is part of Exhibit 5A - to say that complete  
9 inventories of flora and fauna are done now or to  
10 indicate in fact they are not?

11 A. I am not sure what you mean by the  
12 term of "complete inventories of fauna and flora", and  
13 I guess in particular I am not a biologist, so even if  
14 you told me I am not sure if I would understand.

15 Q. Okay. Let me see if I can help you  
16 with this. Would you agree that Attachment 2 fails to  
17 list lake trout lakes, and you can simply confirm or  
18 deny that by looking at the list?

19 A. Those lake trout lakes would be  
20 identified as part of the Fisheries Management  
21 Guideline process. So you wouldn't get lake trout  
22 lakes if you read that, but they would be taken into  
23 account if you read other parts of this memo--

24 Q. Sorry, I don't understand.

25 A. --particularly the ones dealing with



1 cold water.

2 Q. Sorry, where are you looking or where  
3 are you referring to?

4 A. If you look under Attachment No. 3,  
5 there is a number of references dealing with cold water  
6 lakes and those would include lake trout lakes.

7 Q. Shouldn't that be in Attachment 2?

8 A. It is.

9 Q. Where is it in Attachment 2? You  
10 just referred me to attachment 3?

11 A. Well, the attachments are a way of  
12 packaging commitments and --

13 Q. Mr. Douglas, isn't the commitment as  
14 expressed in 1(a), and 1(a) refers to attachment 2 and  
15 not attachment 3; isn't that correct?

16 A. The number 2(a) deals with the list  
17 as we have it there; attachment 3 deals with the  
18 general question of water quality and fisheries.

19 So one would expect the material dealing  
20 with lake trout lakes to be covered by the material  
21 dealing with water quality and fisheries.

22 Q. Would there be any difference -- I'm  
23 sorry.

24 THE CHAIRMAN: Just one moment.

25 Mr. Freidin?

1                   MR. FREIDIN: Mr. Chairman, I just want  
2 to make it clear that Panel No. 7 is going to be  
3 dealing and describing in detail the type of  
4 information which is available to resource managers in  
5 districts or in management units in relation to the  
6 sorts of information that they have, how they could go  
7 about collecting other information, things that they  
8 rely on to make decisions.

9                   If Mr. Castrilli wants to get into the  
10 details as to what information is available, how  
11 decisions are made, whether you need more information,  
12 I really think that --

13                  THE CHAIRMAN: Well, that may be so, but  
14 in fairness, Mr. Freidin, this is cross-examination,  
15 this witness has been put forward by the Ministry as  
16 being knowledgeable in the planning process, and Mr.  
17 Castrilli, I think, is questioning him on what his  
18 interpretation is of what these documents contain.

19                  And it may be repeated at a later date by  
20 your other witnesses in Panel 7 as to what they think  
21 it contains, but I think this is fair questioning at  
22 this point.

23                  MR. CASTRILLI: Q. Mr. Douglas, if we  
24 can continue with Attachment 2, would you agree that  
25 Attachment 2 fails to list caribou habitat?

1 MR. DOUGLAS: A. There is caribou  
2 calving areas. I believe again you are getting into  
3 distinctions that would mean more to a biologist than  
4 they would to myself.

5 Q. Who prepared Attachment 2?

6 A. That was prepared by discussions  
7 involving some of my staff, as well as staff in the  
8 outdoor recreation program, the forestry program, and  
9 the Ministry of Environment.

10 Q. Mr. Douglas, just so we are clear,  
11 you wrote memorandum -- the memorandum dated May 5,  
12 1988, and I presume you either wrote or oversaw the  
13 preparation of the attachments to it; is that correct?

14 A. I oversaw the attachments.

15 Q. Did you read the attachments before  
16 you signed off on the memo?

17 A. Yes, and it talked about protecting  
18 caribou migration routes, caribou calving areas.

19 Q. So you don't know whether caribou  
20 habitat are meant to be included in the last two items  
21 or not; do you? Is that the sum and substance of your  
22 comments?

23 A. I relied on the judgments of the  
24 professional biologist. In respect to whether that is  
25 what they intended, I would certainly, on the basis of

1 two items being there dealing with caribou, assume that  
2 they had addressed the matter you are raising.

3 Q. Well, let me ask you this: Is the  
4 author of Attachment 2 going to be testifying in Panel  
5 7, if that is the right panel?

6 Perhaps Mr. Freidin can help us.

7 MR. FREIDIN: The document I believe was  
8 put together as a result of discussions amongst a  
9 number of people, so to indicate that there is an  
10 author that can speak to all the things in here would  
11 be misleading.

12 There will be witnesses in Panel No. 7  
13 who will speak to why, I guess, this information is in  
14 this document. They can speak to that.

15 THE CHAIRMAN: Well, Mr. Castrilli --

16 MR. FREIDIN: And the other witnesses --  
17 for example, when we deal with the panels dealing with  
18 how they view that information, there will probably be  
19 biologists and some other professionals on that panel  
20 and that would be the appropriate time -- another  
21 appropriate time to ask questions about why or what  
22 sort of specific information is required about a  
23 specific sort of resource so that you can determine  
24 whether you have to modify your timber management  
25 activities to deal with it.



1 THE CHAIRMAN: Well, Mr. Castrilli, when  
2 that panel is called, I think you are free to ask the  
3 question of those persons on the panel.

4 If they are there and they are the ones  
5 that developed these specific titles in Attachment 2,  
6 you will get the answer at that point.

7 MR. CASTRILLI: I understand that, Mr.  
8 Chairman. I understand your comments. I am just  
9 concerned that if I am met -- I don't want to be met at  
10 Panel 7, or the right panel, with a statement when I  
11 put this list to them that they don't know anything  
12 about it.

13 Mr. Douglas wrote the memo that these are  
14 attached to; he is obviously one appropriate person for  
15 me to be asking these questions to.

16 THE CHAIRMAN: But he also indicated that  
17 he wasn't the expert in the particular category that  
18 would allow him to answer the question with the degree  
19 of specificity that you are looking for.

20 MR. CASTRILLI: Thank you. Let me move  
21 on.

22 Q. Would you agree that Attachment 2  
23 fails to list COSEWIC listed species?

24 A. I am not familiar with the term you  
25 are using.

1 Q. Do you see it on the list -- sorry,  
2 do you see it on Attachment 2?

3 THE CHAIRMAN: Could you spell that for  
4 the reporter?

5 MR. CASTRILLI: Yes, I thought I should,  
6 actually, it is an. Acronym it is -- they are  
7 capitalized - C-O-S-E-W-I-C.

8 I can tell you what it means if you would  
9 like, if I'm not actually giving evidence by doing  
10 that.

11 THE CHAIRMAN: Well, Mr. Douglas has  
12 indicated that he does not know what it means, and I  
13 can assure you we do not know what it means.

14 MR. FREIDIN: If you told Mr. Douglas, he  
15 would know what you meant.

16 MR. CASTRILLI: I am content to either  
17 move on without explaining it or to explain it.

18 THE CHAIRMAN: Well, I don't know --  
19 since nobody knows what it means, I don't know how you  
20 are going to ask questions on it, unless you give us  
21 some --

22 MR. CASTRILLI: Fine. I just wanted to  
23 know if he knew whether it was there.

24 MR. MARTEL: Does it exist?

25 MR. CASTRILLI: Well, I can't give

1 evidence about that, but --

2 THE CHAIRMAN: Well, perhaps you will  
3 call a witness of your own at some point that will --

4 MR. CASTRILLI: At some point next year.

5 Q. Would you agree that Attachment 2  
6 fails to list northern Ontario wetlands, Mr. Douglas?

7 MR. DOUGLAS: A. As a separate category,  
8 yes. I suspect there would be some situations where  
9 they would fall into the category of spawning areas for  
10 fisheries, nursery areas, spawning --

11 Q. Sorry, where are you looking?

12 A. I am looking under fisheries. I am  
13 saying that wetlands are not identified as a unique  
14 feature on that list, but I would suspect, from my  
15 general knowledge of what a wetland is, that some of  
16 those categories or features under fisheries and  
17 wildlife would pick them up. I also would suspect that  
18 some of those things in terms of...

19 Q. Would you turn to page 14.

20 A. Mm-hmm.

21 Q. One, two, three items down on the  
22 page, classified wetlands southern Ontario.

23 A. Yes.

24 Q. They are listed there for southern  
25 Ontario, why wouldn't they be listed for northern

1 Ontario?

2 A. Because they are classified in  
3 southern Ontario and not in northern Ontario. There  
4 has been an inventory program in southern Ontario as  
5 the development of the provincial policy statement  
6 under the Planning Act to identify the various classes  
7 of wetlands.

8 Q. So you are saying there have been no  
9 inventory of northern Ontario wetlands and that is why  
10 there is nothing with respect to them on Attachment 2?

11 A. There has been no systematic  
12 across-the-board classification of wetlands in northern  
13 Ontario.

14 Q. So you would agree that Attachment 2  
15 fails to list northern Ontario wetlands; is that  
16 correct?

17 A. Classified wetlands, yes.

18 Q. Does it list any?

19 A. Yes, in the sense that some of those  
20 areas for fisheries would include wetlands. They are  
21 nursery areas for fisheries.

22 Q. But not exclusively?

23 A. Not exclusively.

24 Q. Thank you. Now, we are still on page  
25 14 of Exhibit 5A.



1                   The top of the page refers to areas of  
2                   natural and scientific interest - and the acronym is  
3                   ANSI's, A-N-S-I-'-s.

4                   Can you confirm for me, Mr. Douglas,  
5                   that there are no ANSI's in the MNR northern region  
6                   which I believe is within the area of this undertaking?

7                   A. I am not myself aware of where the  
8                   various ANSI's are located.

9                   Q. Mr. Monzon, can you help?

10                  MR. MONZON: A. I would have to refer to  
11                  a planning document, and even then it would only be as  
12                  a result of the Task Force Review on Park System  
13                  Planning.

14                  Q. Can I presume that someone from MNR  
15                  will be giving testimony on this in a subsequent panel?

16                  MR. DOUGLAS: A. On ANSI's?

17                  Q. Yes.

18                  THE CHAIRMAN: Just one moment. Mr.  
19                  Freidin?

20                  MR. FREIDIN: I cannot indicate other --  
21                  there will be discussion of -- can I just confer  
22                  with...

23                  ---Discussion off the record

24                  MR. FREIDIN: Mr. Chairman, in the  
25                  evidence package, No. 6, there will be a description of

1 the environment, an overview of the entire environment  
2 reflected in the area of the undertaking. There will  
3 be references to ANSI's within that evidence.

4 There will - if I'm wrong I will advise  
5 you tomorrow - be an indication of the relationship  
6 between ANSI's and certain provincial parks.

7 If we can answer the question that was  
8 specifically put as to whether there are ANSi's in the  
9 northern region, we will answer that. And if we are  
10 unable to answer that specifically, we will explain why  
11 that is the case.

12 MR. CASTRILLI: Thank you, Mr. Freidin.  
13 Could you also add to that then, whether there are any  
14 ANSI's in MNR northeastern region?

15 I will move on to another topic, Mr.  
16 Chairman.

17 Q. Mr. Douglas, we are still on the  
18 topic of non-timber data necessary in order to achieve  
19 your IRM goal.

20 Can you confirm for me that the Canadian  
21 Wildlife Service which, I think you are aware, is a  
22 federal agency, also expressed concerns to MNR about  
23 the extent and quality of environmental background  
24 information in the Class EA for 1985?

25 MR. DOUGLAS: A. I believe there was

1 some observations made and there was a reply made.

2 Q. Perhaps we could turn to the  
3 appropriate place in Exhibit 5, page 205.

4 There is a letter dated April 25, 1986,  
5 from a Gary D. Huntley who is with the Great Lakes  
6 Forestry Centre and he is responding on behalf of  
7 several federal agencies including the Canadian  
8 Wildlife Service.

9 Isn't it true, Mr. Douglas, that during  
10 the MOE EA Review -- excuse me, that Mr. Huntley stated  
11 in that letter dated April 25, 1986, that:

12 "There was no indication as to what  
13 environmental issues will be considered  
14 by MNR other than those related to MNR  
15 programs?"

16 MR. DOUGLAS: A. I would have to review  
17 that letter before I responded.

18 Q. Let me take you to the last paragraph  
19 on that page, the first sentence. Isn't that what he  
20 says?

21 A. On what page, please?

22 Q. Sorry, page 205.

23 A. The sentence, as I read it, is  
24 that: "There is no clear indication of what issues will  
25 be considered other than those related to MNR

1 programs."

2 Q. That is what I just asked you.

3 A. Yes. And I believe that there are a  
4 number of items identified in the attachment we just  
5 spoke of which clarified that MNR intends to look at  
6 things other than those items that are directly under  
7 our mandate in terms of preparing a timber management  
8 plan. I refer you to --

9 Q. Let's go through the letter first and  
10 then we will come back to the attachment, if you don't  
11 mind.

12 If we could move on in that letter. Can  
13 you confirm for me that the Canadian Wildlife Service  
14 indicated that the numerous examples of wildlife  
15 concerns given throughout the Class EA for 1985 were to  
16 wildlife within MNR's mandate, especially moose and  
17 fish?

18 Isn't that what Mr. Huntley is saying at  
19 the bottom of page 205 and top of page 206?

20 A. That is what the paragraphs say.

21 Q. Thank you. Would you also agree that  
22 the Canadian Wildlife Service was concerned that there  
23 was little, if any, indication in the 1985 Class EA  
24 that data will be collected and utilized for  
25 identification of wildlife concerns other than for fish



1 and game, this is page 206?

2 A. Well, there was reference to taking  
3 into account other information, such as the Ontario  
4 Breeding Bird Atlas and the Royal Ontario Museum's  
5 material on nest records scheme and certainly we intend  
6 to take those into account. We didn't state that in  
7 the 1985 Document, but the intent was always there.

8 Q. So the answer to my question is:  
9 Yes, that was the concern of CWS in their April, 1986  
10 letter; is that right?

11 A. Looking at the specific paragraph you  
12 speak, yes.

13 Q. Thank you. The next paragraph on  
14 page 206. Can you confirm for me that the Canadian  
15 Wildlife Service was particularly concerned about the  
16 lack of any reference, for example, to bird-related  
17 data or to various federal agencies that might  
18 contribute the rudiments of such data?

19 A. I think there was a concern and it  
20 has been a concern identified by many of the people who  
21 responded is that they would like to get involved early  
22 in the planning process and that their information be  
23 brought to the table early.

24 We have always intended that to occur,  
25 and I think that many of the concerns of the wildlife

1 service, as a number of other agencies, would be taken  
2 into account when they get their first notice and that  
3 they are brought into this process early.

4 This has been the intent. I guess we  
5 should have stated it more clearly in 1985.

6 Certainly, they have information that's  
7 valuable to contribute, and I guess the other thing is  
8 that they want to become more actively involved in the  
9 planning process and we think that's great.

10 Q. Did you ever respond specifically to  
11 Mr. Huntley?

12 A. I believe there were several people  
13 that were writing from Environment Canada, and I am not  
14 sure if the letter went back to one point of contact or  
15 another. I would have to confer and check the record  
16 before I get back.

17 Q. Isn't it true, Mr. Douglas, that you  
18 did not write a letter to Mr. Huntley in response to  
19 the concerns he expressed on behalf of the Canadian  
20 Wildlife Service?

21 A. I'd have to check the record, there  
22 were several letters --

23 Q. I refer you to page 259 of the MOE  
24 Review which is Exhibit 5.

25 A. 259.

1                   Q. I am sorry, page 259 is a letter -- I  
2 guess it is a memorandum -- no, a letter or a  
3 memorandum dated December 3, 1987 from L. A. Douglas to  
4 a Mr. S. Llewellyn of Environment Canada.

5                   A. Mm-hmm.

6                   Q. Do you recall this letter?

7                   A. Yes, I believe - and I could be  
8 corrected - but we were told that there was one point  
9 of contact for Environment Canada.

10                  We often run into problems in dealing  
11 with agencies, and I suspect many others have the same  
12 situation with us, we have three components; you write  
13 to one and they refer it to a co-ordinating office and  
14 that office goes back.

15                  My understanding - and I could confirm  
16 this, Mr. Chairman - is that this person was identified  
17 subsequently as the person who was the co-ordinating or  
18 the one window to Environment Canada.

19                  So you would not expect necessarily to  
20 have a separate letter sent back to Parks Canada, a  
21 separate letter to the Canadian Forest Service, a  
22 separate letter to the Canadian Wildlife Service.

23                  Q. That's fine. I refer you to the  
24 second paragraph, Mr. Douglas, in your letter to Mr. S.  
25 Llewellyn of Environment Canada.

1 Now, you say there:

2 "I am sorry I did not provide a specific  
3 detailed response to the concerns raised  
4 in Mr. Huntley's letter 20 months  
5 earlier."

6 Is that correct?

7 A. That specific response, and detailed  
8 response, yes.

9 Q. Then you say:

10 "However, your concerns were taken into  
11 account."

12 Whose concerns do you mean there; do you mean Mr.  
13 Llewellyn's or do you mean Mr. Huntley's?

14 A. I mean Environment Canada.

15 Q. Well, in the previous sentence you  
16 were referring to Mr. Huntley.

17 Is the next sentence meant to be a  
18 reference to Mr. Huntley's concerns or is it meant to  
19 include Mr. Huntley's concerns.

20 THE CHAIRMAN: Isn't that dealt with in  
21 the first paragraph, Mr. Castrilli?

22 MR. CASTRILLI: Well, he says he is  
23 writing in response to everything that has been sent  
24 from Environment Canada beforehand.

25 THE CHAIRMAN: Including Huntley and...?



1                   MR. CASTRILLI: But the memorandum is  
2 addressed to Llewellyn and I just want to clarify for  
3 myself, because it is not clear from the context,  
4 whether Mr. Douglas meant to say that we was  
5 responding -- I'm sorry, that the concerns taken into  
6 account were the concerns of both Huntley and  
7 Llewellyn.

8                   THE CHAIRMAN: Well, Mr. Douglas is here.  
9 So what do you mean, Mr. Douglas?

10                  MR. DOUGLAS: You are taxing my memory.  
11 I looked at this letter and:

12                   "I am writing in regard to this  
13 Ministry's Class Environmental Assessment  
14 on which comments have been provided by  
15 Environment Canada."

16 That's the first statement. The final statement  
17 says -- the final sentence:

18                   "Should there be any continuing concerns,  
19 we would be pleased to discuss with you  
20 or with staff of the concerned agencies."

21 To my knowledge, we have not received any  
22 letter subsequent to that, so I have to assume that  
23 they no longer have any specific concerns.

24                  MR. CASTRILLI: Q. That wasn't my  
25 question. My question was: Did you mean to say in

1       that paragraph that the concerns raised that were taken  
2       into account included Mr. Huntley's?

3               MR. DOUGLAS: A. My understanding was  
4       that when we revised the document, we took a variety of  
5       concerns into account, and I can't recall exactly  
6       whether Mr. Huntley's concerns were shown on a  
7       particular page, but I understood they were to be.

8               And given the fact that we have written  
9       this letter in the form that I have identified, and we  
10      have not received any other concerns back from  
11      Environment Canada, I have to assume that their  
12      concerns have been satisfied.

13              Q. Mr. Douglas, perhaps we can clear  
14      this up by filing an excerpt from the Class  
15      Environmental Assessment from 1985, which is the  
16      excerpt that Mr. Huntley was referring to in his  
17      letter.

18              Do you have the Class EA in front of you  
19      for '85?

20              A. No, I don't.

21              MR. CASTRILLI: Sorry, Mr. Chairman, I  
22      haven't been noticing the time.

23              THE CHAIRMAN: We might as well get it in  
24      and mark it in any event.

25              This will be Exhibit 17, an excerpt from

1 the Class Environmental Assessment dated 1985 being  
2 pages 90 to 116, including two pages referring to  
3 exemptions following page 116.

4 THE CHAIRMAN: Do you have any problem  
5 with this going in, Mr. Freidin?

6 MR. FREIDIN: No, I am sorry. Can I see  
7 a copy, please?

8 Well, I note that after page 116 there is  
9 an attachment entitled Exemptions. I don't think  
10 that's what my friend intended to file at this  
11 particular time.

12 MR. CASTRILLI: You are right. I didn't  
13 realize it was attached to the back. The last two  
14 pages should be removed.

15 THE CHAIRMAN: Okay. So why don't we  
16 just remove the last two pages and this Exhibit 17 will  
17 be an excerpt from the Class EA, dated 1985 consisting  
18 of pages 90 to 116 inclusive.

19 ---EXHIBIT NO. 17: An excerpt from the Class  
20 Environmental Assessment, dated  
21 1985, consisting of pages 90 to 116  
inclusive.

22 MR. FREIDIN: Can we assume we are going  
23 to receive that document later, Mr. Castrilli?

24 MR. CASTRILLI: What document is that?

25 THE CHAIRMAN: Can we look at it now or

1 is it coming back?

2 MR. CASTRILLI: It is coming back.

3 Mr. Chairman, I think I am losing control  
4 of the paper flow.

5 THE CHAIRMAN: Do you want to -- now that  
6 we have it admitted, do you want to start off tomorrow  
7 morning with your questions on this, or do you want to  
8 finish off this one topic?

9 MR. CASTRILLI: I think it would be -- I  
10 just have two more pages on this particular exhibit and  
11 perhaps we could just stop after I have asked those two  
12 pages.

13 THE CHAIRMAN: Very well.

14 MR. CASTRILLI: Q. Mr. Douglas, we now  
15 have Exhibit 17, minus two pages.

16 THE CHAIRMAN: No, Exhibit 17 which  
17 doesn't include the two pages.

18 MR. CASTRILLI: Sorry.

19 Q. I would ask you to compare -- sorry,  
20 so you will understand and recall what it was we were  
21 talking about, I had asked you where in the June, 1987  
22 Class Environment Assessment are Mr. Huntley's concerns  
23 regarding wildlife that were expressed in regard to the  
24 Class EA of 1985.

25 I would like to refer you to page 96 of



1 the Class EA of 1985 and page 113 of the Class EA of  
2 1987.

3 MR. DOUGLAS: A. 113?

4 Q. 113. Now, if I can just take you  
5 back, in addition to page 206 of Exhibit 5, which is  
6 the MOE Review, in that first full paragraph the  
7 Canadian Wildlife Service noted that:

8 "Commencing at page 96 of the 1985 Class  
9 EA a list of government ministries and  
10 agencies likely to contribute inventory  
11 information fails to mention Environment  
12 Canada, the Ontario Breeding Bird Atlas  
13 or the Royal Ontario Museum's Ontario  
14 Nest Record scheme or, for that matter,  
15 the Canadian Wildlife Service itself."

16 Now, in looking at paragraph -- page 113  
17 of Exhibit 4, which is the Class EA for 1987, would you  
18 agree with me that notwithstanding the Canadian  
19 Wildlife Service complaints regarding the failure to  
20 mention federal agencies in Mr. Huntley's April, 1986  
21 letter, that nowhere on page 113 of Exhibit 4 - which  
22 appears to be, in my view, and you can confirm this for  
23 me, appears to be the update of page 96 of the 1985  
24 Class EA - does MNR mention either Environment Canada  
25 or the Canadian Wildlife Service in the Class EA of

1 1987; is that correct?

2 A. There was substantial amendments done  
3 to this section, so I would have to go back and review  
4 more than the single pages before I could give the  
5 Board an accurate response on that. There was quite a  
6 bit of changes done in the 1987 revision.

7 Q. Well, what did you mean - and this  
8 will be my last question for the day - what did you  
9 mean the Canadian Wildlife Service concerns have been  
10 met?

11 A. Well, we have identified, I believe,  
12 the range of information more broadly that would be  
13 taken into account. We may not have specifically  
14 identified the Ontario Bird Breeding Atlas, but the  
15 general description of the inventory information that  
16 gets assembled, where we have gone to other resource  
17 values, land uses and features and the summary and  
18 values map, which is identified at page 114, would  
19 involve input from a variety of sources, such as the  
20 Canadian Wildlife Service.

21 We certainly appreciate any assistance in  
22 consultation with Environment Canada that we can have.

23 Q. But it is clear that Mr. Huntley  
24 wanted you to identify the federal agency, and I  
25 suggest to you that you did not do so in the Class EA

1 of 1987?

2 A. We may have not specifically  
3 identified them. Again, I would have to check not only  
4 those two pages, because when we made the revisions in  
5 '87 we would not necessarily have made the changes on  
6 the exact corresponding pages because we did a  
7 considerable amount of reorganization of that material.

8 So I cannot give you a yes/no answer to  
9 that without some opportunity to review it.

10 MR. CASTRILLI: Perhaps you can think  
11 about it overnight.

12 THE CHAIRMAN: Very well.

13 Ladies and gentlemen, we will adjourn, I  
14 think, until tomorrow morning at 9:30 a.m.

15 Mr. Freidin?

16 MR. FREIDIN: Mr. Chairman, just for  
17 clarification, in terms of the witnesses and to whom  
18 they may speak, is there any general rule as to  
19 whether - having regard to it being a panel - the panel  
20 members can speak to each other about their evidence?

21 THE CHAIRMAN: I do not think there is a  
22 problem with the panel, per se, but they certainly will  
23 not be speaking with you.

24 MR. FREIDIN: That's fine.

25 THE CHAIRMAN: Or I do not think they

1       should really be speaking with other witnesses for the  
2       proponent either.

3               I mean, they are under cross-examination;  
4       I do not think they should be discussing anything  
5       arising out of their cross-examination, frankly, with  
6       anyone other than the fact that they are being jointly  
7       cross-examined, so to speak.

8               I am not sure there is a problem with  
9       them discussing anything amongst themselves.

10              Does anyone have any objections to that?

11              (No response)

12              MR. FREIDIN: I should indicate that Mr.  
13       Douglas, in particular, has a responsibility in  
14       relation to this whole project and will be speaking to  
15       other people about other things and he will be  
16       specifically instructed not to refer to anything.

17              THE CHAIRMAN: I think in an undertaking  
18       such as this, that's only fair.

19              You cannot be kept in isolation for the  
20       next 18 months, given your overall responsibilities and  
21       the fact that you may be back with a subsequent panel.

22              Also, I do not think there should be  
23       necessarily any restrictions on the witnesses having to  
24       consult overnight with staff in order to get  
25       documentation in order to be able to provide answers



1       that they have undertaken to to be able to provide,  
2       say, tomorrow.

3                   I mean, if you have to review some  
4       documentation to provide the answer you have just  
5       indicated, you may have to talk to somebody to find out  
6       where it is and how you get your hands on it and that  
7       kind of thing.

8                   MR. FREIDIN:   Thank you.

9                   THE CHAIRMAN:   As long as you understand  
10      the ground rules.  You are not to be discussing the  
11      issues raised in cross-examination or your previous  
12      testimony in direct examination with anyone until you  
13      are through with cross-examination.

14                  MR. CASTRILLI:   Mr. Chairman, do you want  
15      some indication from me as to how long I will be  
16      tomorrow?

17                  THE CHAIRMAN:   That would be nice, if you  
18      could give it to us.

19                  MR. CASTRILLI:   I think I am slightly  
20      short of halfway, so I could be up to two-thirds of  
21      tomorrow, I suppose.

22                  THE CHAIRMAN:   Okay.

23                  I guess, Mr. Hunter, you are following  
24      Mr. Castrilli so you will be ready to start tomorrow,  
25      if we finish?

1 MR. HUNTER: Yes.

2 THE CHAIRMAN: Very well.

3 MR. HUNTER: I am hoping I will be no  
4 more than two hours, an hour to two hours.

5 MR. FREIDIN: Could we just sort of go  
6 around - there are not many people here - sort of go  
7 around because I may have to call Panel 2 a little  
8 sooner than I anticipated.

9 THE CHAIRMAN: Well, in addition to Mr.  
10 Hunter, there is going to be Mr. Williams - he has  
11 indicated he cannot really tell how long he will be  
12 until after these two cross-examinations - possibly Mr.  
13 Colborne, and any parties unrepresented by counsel and  
14 then the Ministry of the Environment.

15 MR. FREIDIN: Perhaps Ms. Seaborn can  
16 give some idea of how long Mr. Campbell or she will be.

17 MS. SEABORN: Mr. Campbell will be doing  
18 the cross-examination, he will be about two hours.

19 MR. FREIDIN: Mr. Colborne?

20 MR. COLBORNE: I don't know, two hours.

21 THE CHAIRMAN: Two sounds like a good  
22 number.

23 MR. FREIDIN: That helps. Thank you.

24 THE CHAIRMAN: Very well. We will  
25 adjourn until 9:30 a.m. Thank you.

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---Whereupon the hearing adjourned at 6:45 p.m., to  
reconvene Tuesday, May 17th, 1988, at 9:30 a.m.







